



W.P(MD)No.4463 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4463 of 2016

and

W.M.P(MD)No.4010 of 2016

Y.Lathis Lal

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Executive Officer,
Anjugramam,
Town Panchayat,
Anjugramam,
Kanyakumari District.

3.The Assistant Director of Panchayat,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents particularly the 1st respondent to consider the application dated 31.03.2015 submitted for approving the proposed construction in the name of Punitha Annammal Alayam at Survey No.630/3A,



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Anjugramam Village, Kanyakumari District measuring to an extent of 1 Cent on merits and in accordance with law.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the 1st respondent/District Collector to consider the application, dated 31.03.2015 submitted by the writ petitioner for building plan approval in Survey No.630/3A, Anjugramam Village, Kanyakumari District.

2. A perusal of the affidavit indicates that the petitioner is intending to put up a Church in the said survey number. As per Rule 6 (4) of the Tamil Nadu District Municipalities Buildings Rules 1972, the petitioner has to first obtain prior approval of the District Collector for putting up construction of a building, which is intended for public worship or religious purpose. Only after obtaining the said permission from the 1st respondent/District Collector, he can approach the 2nd respondent for building plan approval.



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3. It could be seen from the records that no application has been presented to the 1st respondent herein as contemplated under Rule 6 (4) of the Tamil Nadu District Municipalities Buildings Rules 1972. Hence, there cannot be a direction to the 2nd respondent to grant building plan approval. The petitioner is at liberty to file an application before the 1st respondent under the above said rules.

4. With the above said observations, this Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

30.11.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

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