



WEB COPY



W.P.No.16211 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.16211 of 2019
and W.M.P.No.15928 of 2019

T.Stephen

.. Petitioner

Vs.

1. The Deputy Director,
Department of Town and Country Planning,
Suramangalam,
Salem-636 002.

2. The District Collector,
Erode District,
Erode - 638 011.

3. The Commissioner,
Gobichettipalayam Municipality,
Gobichettipalayam,
Erode District.

4. The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

5. C.S.I. Diocese Church represented by
Its Chairman/Foster,
Rev. Stanley Kumar,
Gobichettipalayam,
Erode District.

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to take action for demolishing the ongoing illegal construction of a Church being built by the 5th respondent in the land measuring 2970 sq.ft. bearing T.S.No.11, Block No.4, Ward No.A, Gobichettipalayam Town corresponding to S.F.Nos.80A and 81 of Veerapandi Village, Erode District by considering the petitioner's representation dated 16.03.2019.

For Petitioner : Mr.S.Shrish
for Mr.N.Manokaran
For RR1, 2 & 4 : Mr.P.Gurunathan
Additional Government Pleader
For R3 : Mr.B.Anand
For R5 : Mr. M.L.Joseph
for M/s.Chennai Law Associates

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 4 to take action for demolishing the ongoing illegal construction of a Church being built by the 5th respondent in the land measuring 2970 sq.ft. bearing T.S.No.11, Block No.4, Ward



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No.A, Gobichettipalayam Town corresponding to S.F.Nos.80A and 81 of Veerapandi Village, Erode District by considering the petitioner's representation dated 16.03.2019.

2. Heard the learned counsel appearing for the petitioner as well as learned Additional Government Pleader appearing for the respondents 1, 2 & 4, learned counsel appearing for the 3rd respondent & 5th respondent and perused the entire materials on record.

3. According to the petitioner, the 5th respondent has started construction of a church without approval from the respondents 1 to 4. The petitioner has given a complaint to the respondents 1 to 4 to stop the construction put up by the 5th respondent. Since no action has been taken by the respondents 1 to 4, the petitioner has come out with the present Writ Petition.

4. The 3rd respondent filed counter affidavit stating that the 5th respondent has applied for permission for constructing a church in the property in question. The 3rd respondent referred the matter to the 2nd respondent. The 2nd respondent returned the application of the 5th respondent on two times for want of particulars. The 5th respondent did



not apply for permission in EDCR format. The 3rd respondent informed the 5th respondent that they can start the construction only after obtaining permission from the respondents 2 & 3. While so, one Victor Jose filed O.S.No.33 of 2019 on the file of the District Munsif Court, Gobichettipalayam, for an injunction restraining the 5th respondent from constructing the church without permission.

5. Learned counsel appearing for the 3rd respondent further submitted that suit in O.S.No.33 of 2019 was dismissed on 05.02.2020 and 3rd respondent will take appropriate action against the 5th respondent for removal of unauthorised construction and prayed for passing suitable orders.

6. From the above materials, it is seen that 5th respondent has not obtained any permission from the authorities for construction of church in the property in question. In view of the same, the 3rd respondent is directed to take appropriate proceedings against the 5th respondent for removal of unauthorised construction, after issuing notice to the petitioner as well as 5th respondent, within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(V.M.V., J) (V.L.N., J)
24.04.2023

Index : Yes / No
Neutral Citation : Yes / No

kj/krk

To

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2. The District Collector
Erode District
Erode - 638 011.

3. The Commissioner
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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

Kj/krk

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