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W.P.No.22042 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.22042 of 2023
and W.M.P.No.21418 of 2023

C.S.I.St.Paul's Church,
Rep. By its Presbyter and Chairman,
Rev.D.Ravindran

... Petitioner

Vs.

1. The District Collector,
O/o the District Collector,
Erode – Post & District.
2. The Commissioner,
Gobichettipalayam Municipality,
O/o the Gobichettipalayam Municipality,
Gobichettipalayam – Post,
Erode – District.
3. The Director,
Directorate of
Town and Country Planning,
Erode.

... Respondents

**R3 suo-moto impleaded by this Court vide order dated 12.09.2023.*



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the notice in Na.Ka.No.1506/2019/F1 on the file of the 2nd respondent / the Commissioner, Gobichettipalayam Municipality dated 12.07.2023 u/s 56 & 57 of Tamil Nadu Town and Country Planning Act, 1971 and quash the same and further direct the respondents to regularisation the building construction i.e. C.S.I.St.Paul's Church at Door No.10, Kalamegam street, Gobichettipalayam – Post, Erode – District.

For Petitioner : Mr.D.Veerasekharan

For R-1 : Mr.E.Vijay Anand,
Additional Government Pleader

For R-2 : Mr.B.Anand,
Standing counsel

ORDER

This writ petition has been filed seeking for a direction to quash the notice in Na.Ka.No.1506/2019/F1, dated 12.07.2023 and for a further consequential direction to the respondents to regularise the building construction i.e. C.S.I.St.Paul's Church at Door No.10, Kalamegam street, Gobichettipalayam – Post, Erode – District.



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2. The learned counsel for the petitioner would submit that the local residents of 'Christian of Gobichettipalayam' purchased a piece of land in the name of '*Church of South India*', Coimbatore Diocese in S.F.Nos.80A and 81 to an extent of 2970 sq.ft in Veeravandi Village, Gobichettipalayam Taluk, Erode District. In the year 1977, the people in and around the above said area have donated towards putting up of a small Church. While so, in the year 2015-2017, since the structure of the Church building became very old, the Committee of Pastorate of C.S.I. St.Paul Church, Gobichettipalayam/ petitioner herein, decided to renovate the old Church.

3. In this connection, the petitioner made an application before the first respondent seeking permission to put up a temporary shed for worship and the first respondent also granted permission for setting up of such temporary shed for worship on 27.08.2018 till the completion of rennovation work.

4. Simultaneously, the petitioner had applied for building plan approval, along with all enclosures on 28.06.2018. Upon receipt of the said application, the second respondent inspected the place of construction of the Church and recommended the first respondent for granting plan approval. Thereafter, the renovation work was completed in the year 2020. The learned



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counsel further brought to the attention of this Court regarding one Victor Jose, who filed a suit for permanent injunction in O.S.No.33 of 2019 before the District Munsif, Gobichettipalayam and the same came to be dismissed 'as abated' on 05.02.2020. Thereafter, the writ petitioner had filed a Public Interest Litigation in W.P.No.16211 of 2019 and the same was disposed of with a direction to the second respondent holding that if the construction is made without obtaining building plan approval from the competent Authority, then, action will be initiated after issuing notice to the necessary parties on 24.04.2023.

5. The contention of the petitioner is that the earlier application made by the petitioner seeking for building plan approval is pending before the first respondent and the first respondent has sent a letter to the second respondent on 03.01.2019, with a direction to approve the plan and thereafter to send a report along with his opinion and EDCRD permission.

6. The petitioner, on 04.01.2019 and 31.01.2019, has sent letters to the first respondent seeking to issue building plan permission for undertaking the renovation of Church. He further submitted that the petitioner also made an application under Section 49 of the Tamil Nadu Town and Country Planning



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Act, 1971 to the second respondent to retain and regularise the existing building of the Church for worship on 28.06.2018 and the same is pending before the second respondent. In such circumstances, the second respondent has passed the impugned notice in Na.Ka.No.1506/2019/F1 dated 12.07.2023, granting 15 days time for lock and seal of the subject premises. Aggrieved against the same, the petitioner has preferred the present writ petition seeking to quash the impugned notice passed by the second respondent dated 12.07.2023 and for a consequential direction to the respondents to regularise the building construction.

7. Mr.E.Vijay Anand, learned Additional Government Pleader appearing on behalf of the first respondent would state that the respondents have already given No Objection Certificate (NoC) for the application made by the petitioner and therefore, the petitioner has to apply only in the common portal, which is meant for the purpose of building plan approval for renovation.

8. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the official



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respondents.

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9. This Court, after hearing the submissions made on both sides, impleads the Director, Directorate of Town and Country Planning, Erode as the third respondent. In view of the submissions made by the learned Additional Government Pleader, the petitioner has to apply for the building plan approval only in the common portal. Since the competent Authority to pass orders on the approval application is the impleaded respondent, the said Authority is directed to consider and pass orders within a period of eight weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to the petitioner in this regard. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
12.09.2023

Note: Registry to issue Order copy on **24.11.2023**



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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
sts

To:

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O/o the District Collector,
Erode – Post & District.
2. The Commissioner,
Gobichettipalayam Municipality,
O/o the Gobichettipalayam Municipality,
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J.NISHA BANU, J.,
and
N.MALA, J.,

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Order made in
W.P.No.22042 of 2023

Dated:
12.09.2023