



W.P(MD)No.17432 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P(MD)No.17432 of 2023
and
W.M.P(MD)Nos.14605 & 14606 of 2023**

Our Lady of Assumption Church

Rep.By its Parish Priest,

Rev.Fr.Saleth Jerold,

Prakasapuram,

Nazareth,

Thoothukudi District.

... Petitioner

Vs.

1.The District Collector

Thoothukudi District,

Thoothukudi.

2.The Assistant Director of Town Panchayats,

N.G.O. 'B' Colony,

Tirunelveli.

3.Nazareth Selection Grade Town Panchayat,

Rep. by its Executive Officer,

Nazareth,

Thoothukudi District.



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4.Shanthi

5.Jegadeesh

6.John

7.Charles

8.Edward

9.Beisiya

10.Jenitta

11.Johnsi

12.Manjula

13.C.Anand

... Respondents

(Respondents 5 to 13 are impleaded vide Court order dated 04.10.2023 in W.M.P(MD)No.15570 of 2023)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned orders passed by the third respondent in Na.Ka.No.365/2021/A2, dated 19.06.2023 and Na.Ka.No.365/2021 dated 05.07.2023, quash the same and direct the third respondent to conduct enquiry by providing sufficient opportunity to the petitioner.



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For Petitioner : Mr.M.Saravanan

For Respondents : Mr.T.Amjad Khan – for R1 to R3

Government Advocate

Mr.P.Balamurugan – for R4

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.M.Saravanan, learned counsel for the petitioner, Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 1 to 3 and Mr.P.Balamurugan, learned counsel appearing for the fourth respondent.

2. The learned counsel for the petitioner submits that the respondent authority is not abiding by the orders passed by this Court in an earlier writ petition wherein, this Court directed the authority to conduct an enquiry, but straightaway notices were given for removal of the gate.

3. In fact, the writ ought not to have been filed. The impugned notice is only for an enquiry. Unless the enquiry is



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concluded, the authority cannot take action of removal of any structure. The impugned notice also calls for an explanation from the petitioner and it is for conducting an enquiry.

4. In light of that, we are not inclined to entertain the Writ Petition. The petitioner may submit all the necessary documents along with the say to the authorities concerned within a period of seven days from today. If the same is submitted, the authority may consider it on its own merits and in accordance with law and pass appropriate orders thereafter.

5. Writ Petition, accordingly, stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[K.K.R.K, J.]

29.11.2023

Index : Yes / No
Neutral Citation : Yes / No

RM



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THE HONOURABLE CHIEF JUSTICE

and

K.K. RAMAKRISHNAN, J.

RM

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