



W.P(MD)No.2768 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2768 of 2015

and

M.P(MD)No.1 of 2015

Sister.Archana

... Petitioner

Vs

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The District Revenue Officer,
Kanyakumari.

3.The Revenue Divisional Officer,
Nagercoil.

4.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from demolishing the cross situated in the campus of Assisi Farms and Training Centre, Kothalampallam, in Survey Number 631-1A1, Gnalam Village, Thovalai Taluk, Kanyakumari District, without following due process of law.



WEB COPY



W.P(MD)No.2768 of 2015

For Petitioner : M/s.T.A.Ebenezer

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The prayer in this writ petition is confined to the land comprised in Survey No.631-1A1, Gnam Village in Thovalai Taluk. A cross had been planted. The respondents concede that Survey No. 631-1A1 is a patta land. But the cross appears to have been planted in Survey No.631/1C which is a Government poramboke. If the petitioner had planted the cross in Government Poramboke, the petitioner shall herself shift it inside the compound. The learned counsel appearing for the petitioner continues to assert that the cross is in Survey No. 631-1A1 and not in Survey No.631/1C.

3. The fourth respondent is directed to conduct survey. Survey shall be conducted after due notice to the petitioner. The survey exercise shall be completed within a period of three week from the date of receipt of a copy of this order. If at the end of the survey, it is concluded that cross has been put up in Survey No.631/1C, it shall be removed.



W.P(MD)No.2768 of 2015

4. According to the respondents, even for planting the cross in a manner that is open to the general public, permission has to be obtained under Rule 4(3) of the Tamil Nadu Panchayat Building Rules, 1997. It is open to the respondents to issue notice to the petitioner herein and take action as per law. The prayer in this writ petition itself is only to the limited extent that the respondents must adopt due process of law and nothing more.

5. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Collector,
Kanyakumari District at Nagercoil.
- 2.The District Revenue Officer,
Kanyakumari.
- 3.The Revenue Divisional Officer,
Nagercoil.
- 4.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.



WEB COPY



W.P(MD)No.2768 of 2015

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.2768 of 2015
and
M.P(MD)No.1 of 2015

24.07.2023