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W.P.(MD)NO.3096 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3096 of 2015

Pastor S.Veerasamy @ Veera Jabamani

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Kanyakumari.
2. The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
3. The Revenue Divisional Officer,
Padmanabapuram Division,
Thakkalai,
Kanyakumari District.
4. The Inspector of Police,
Pechiparai police station,
Kanyakumari District.
5. The President,
Pechiparai Village Panchayat,
Pechiparai Post,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order bearing No.D.Dis.C3/11820/14 dated 20.09.2014 issued



by the first respondent and quash the same and consequently direct the first respondent to give permission to renovate the building 13-179/159 A in Pechiparai Panchayat in Kalkulam Taluk, Kanyakumari District and direct the first respondent to permit the petitioner to conduct prayer in the said building.

For Petitioner : Mr.K.Samidurai

For R-1 to R-3 : Mr.N.GA.Natraj,
Government Advocate.

For R-4 : Mr.Albert James,
Government Advocate.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is a retired teacher. He was given patta vide order dated 01.10.2000 by the District Revenue Officer, Kanyakumari District in respect of the petition-mentioned land. The petitioner was conducting prayer meetings by putting up construction. The petitioner claims that he has been doing so for the past 36 years. Since the building is in dilapidated condition, the petitioner wants to renovate the same. He applied to the District Collector, Kanyakumari District, seeking permission. Since it was not



considered, the petitioner filed W.P.No.11317 of 2014. This Court vide order dated 11.07.2014 directed the District Collector to consider the petitioner's representation. Pursuant to the said representation, the impugned order came to be passed.

3. The first respondent has denied permission. Challenging the same, the present writ petition came to be filed.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this court to set aside the impugned order and grant relief as prayed for.

5. The learned counsel pointed out that the petitioner is not endeavoring to introduce any new activity. He only wants to continue what he has been doing since 1978. The petitioner's counsel wanted this Court to allow this writ petition as prayed for.



6. The respondents have filed counter affidavit and the learned Government Advocate took me through its contents. According to the learned Additional Government Pleader, the impugned order speaks for itself and does not warrant interference.

7. I carefully considered the rival contentions and went through the materials on record.

8. Even according to the petitioner, he was assigned the petition-mentioned house site only in the year 2000. A copy of the assignment patta issued by the Tahsildar, Kalkulam has been enclosed in the typed set of papers. The assignment order categorically states that on the petition-mentioned site, a house has to be constructed. If the house is not constructed, it is open to the Government to cancel the assignment and resume possession.

9. I fail to understand as to how the assignment order was passed in favour of the petitioner, when even according to the petitioner, he is a retired school teacher. The learned



Government Advocate would point out that the land was originally classified as natham poramboke and later it was classified as natham. The petitioner is not eligible for the natham patta which was obtained by him. Therefore, the petitioner cannot go against the conditions of assignment. The assignment order contemplates putting up a residential house. Having taken the assignment order to put up a residential house, the petitioner cannot now use the site for religious purposes.

10. In the counter affidavit filed by the Inspector of Police, Kulasekharam Circle, Kanyakumari District, it has been mentioned that there is serious objection from certain parties and that Crime Nos.23 of 2014 and 25 of 2014 have been registered for initiating proceedings under Section 107 of Cr.P.C.

12. It is seen that criminal cases have been registered against the petitioner. The Administration has to maintain law and order. Even according to the authorities, the proposed construction would exacerbate the law and order situation.



The Court cannot disregard the said apprehension. The first respondent has given strong and convincing reasons in the impugned order. It does not warrant interference. This writ petition stands dismissed. No costs.

25.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

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