



W.P(MD)Nos.28729 of 2022 & 26039 & 27352 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)Nos.28729 of 2022 &
26039 & 27352 of 2023**

and

**W.M.P(MD)Nos.22718 of 2022, 23501, 23503 &
23504 of 2023**

W.P(MD)No.28729 of 2022:

Mahalingam

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.
- 3.The Tahsildar,
Eral Taluk,
Thoothukudi District.



W.P(MD)Nos.28729 of 2022 & 26039 & 27352 of 2023

4.The Inspector of Police,
Eral Police Station,
Thoothukudi District.

5.T.D.T.A.Primary School,
Represented by its Head Master,
Mela Theru, Siruthondanallur,
Eral Taluk,
Thoothukudi District.

6.The Chruch of South India Trust Association,
Siruthondanallur Branch,
Represented by Branch Incharge,
Paul Durai,
S/o.Murugesan,
55A, Asarimar Street,
Siruthondanallur, Eral Taluk,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to forbear the respondents 5 and 6 from constructing and commencing any place of worship in the land in Survey No. 283/35 situating in Siruthondanallur, Eral Taluk, Thoothukudi District, by considering the representations dated 04.01.2021 and 19.12.2022.

For Petitioner : Mr.M.S.Jeyakarthish

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3



W.P(MD)Nos.28729 of 2022 & 26039 & 27352 of 2023

Mr.A.Albert James
Government Advocate for R.4

Mr.G.Prabhu Rajadurai for R.5 & R.6

W.P(MD)No.26039 of 2023:

CSI Thoothukudi – Nazereth Diocese,
Represented by its Treasurer,
Mohanraj Arumainayagam,
No.100, Beach Road,
CaldWell Higher Secondary School Campus,
Thoothukudi.

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

2.The Tahsildar,
Eral Taluk,
Thoothukudi District.

3.Mahalingam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the second
respondent to implement the proceedings of first respondent in
Mu.Mu.a.No.1/3249/2023 dated 26.08.2023 regarding the land in Survey



W.P(MD)Nos.28729 of 2022 & 26039 & 27352 of 2023

no. 283/35, Siruthondanallur Village, Eral Taluk, Thoothukudi District by entering the name of the Church as well as the school of the petitioner Diocese in revenue records.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 & R.2

Mr.Jeyakarthish for R.3

W.P(MD)No.27352 of 2023:

Mahalingam

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
- 3.The Tahsildar,
Eral Taluk Office, Eral,
Thoothukudi District.
- 4.CSI Thoothukudi – Nazereth Diocese,
Represented by its Treasurer,

4/8



W.P(MD)Nos.28729 of 2022 & 26039 & 27352 of 2023

Mohanraj Arumainayagam,
No.100, Beach Road,
CaldWell Higher Secondary School Campus,
Thoothukudi.

5.Pal Durai

6.T.D.T.A.Primary School,
Represented by its Head Master,
Mela Theru, Siruthondanallur Village,
Eral Taluk, Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned proceedings in MU.MU.A. 1/3249/2023 dated 26.08.2023 of the second respondent and to quash the same as illegal and consequently, to direct the respondents 1 to 3 to take appropriate action as against the respondents 4 and 5 for using the land in Survey No.283/35, situating in Siruthondanallur Village, Eral Taluk, Thoothukudi District as place of worship, without properly getting permission as per the Tamil Nadu Panchayat Building Rules, 1997.

For Petitioner : Mr.M.S.Jeyakarthick

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3

Mr.G.Prabhu Rajadurai for R.4 to R.6



W.P(MD)Nos.28729 of 2022 & 26039 & 27352 of 2023

WEB COPY

COMMON ORDER

Heard both sides.

2. The question that calls for consideration is whether the Church was in existence in Survey No.283/35 in Siruthondanallur Village, Eral Taluk, Thoothukudi District. I do not want to go into the factual aspects. It is for this reason I decline to consider the issue on merits.

3. The District Collector, Thoothukudi shall hold an enquiry on **28.11.2023 at 03.00 p.m.** The representatives of CSI Thoothukudi – Nazereth Diocese shall be present. Likewise Thiru.Mahalingam and other villagers shall also be present on the said date. Of course, inside the office of the District Collector, Thoothukudi only the representatives from either side can be present. The scope of enquiry shall be confined to the existence or otherwise of Church in the petition mentioned site. If the District Collector, Thoothukudi concludes that a Church was infact in existence, the CSI Thoothukudi – Nazereth Diocese shall be permitted to reconstruct the said building. Whatever be the finding of the District



W.P(MD)Nos.28729 of 2022 & 26039 & 27352 of 2023

Collector, appropriate proceedings shall be issued and served on the parties concerned. The rights of both the parties are left open.

4. These writ petitions are disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.11.2023

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

Note: Issue order copy on 21.11.2023.

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.
- 3.The Tahsildar,
Eral Taluk,
Thoothukudi District.

7/8



W.P(MD)Nos.28729 of 2022 & 26039 & 27352 of 2023

G.R.SWAMINATHAN, J.

MGA

4.The Inspector of Police,
Eral Police Station,
Thoothukudi District.

5.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

W.P(MD)Nos.28729 of 2022 &
26039 & 27352 of 2023

and

W.M.P(MD)Nos.22718 of 2022, 23501, 23503 &
23504 of 2023

20.11.2023