



W.P(MD)No.27518 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27518 of 2023

R.Kubendran

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Theni Taluk,
Theni.

3.The Block Development Officer,
Office of Panchayath Union,
Theni.

4.The President,
Nagalapuram Panchayat,
Theni Taluk,
Theni District.

5.The Village Administrative Officer,
Koduvilarpatti Village,
Koduvilarpatti,
Theni District.

6.M.Kasirajan

... Respondents



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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 5 to give permission to construct a roof for the above said temple comprised in S.No.658/3A, Koduvilarpatti Village, Theni Taluk, Theni District and considering the petitioner representation dated 04.11.2023.

For Petitioner : Mr.R.Mathava Selvam

For Respondents : Mr.C.Sathesh,
Government Advocate for R1 to R5.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents 1 to 5.

2.The sixth respondent herein had filed a public interest litigation (W.P.(MD)No.25976 of 2023) and the Hon'ble Division Bench (to which I was a party) granted an order of interim injunction. Interim injunction



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was granted because it was submitted by the writ petitioner therein that the petitioner herein was putting up a temple without getting prior approval from the jurisdictional District Collector. Rule 4(3) of the Tamil Nadu Panchayats Building Rules was invoked. Of course, the said rule may not have an application because it has been substituted by the Tamil Nadu Combined Development and Building Rules, 2019. But the language is in *pari materia*. Be that as it may, the petitioner now wants to get approval from the first respondent before putting up construction. No exception can be taken to the said request.

3.The first respondent is directed to consider the petitioner's request and pass an appropriate order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The first respondent will issue notice to the sixth respondent, elicit objection and thereafter pass an order. I make it clear that I have not gone into the merits of the issue. I also make it clear that pendency of W.P.(MD)No.25976 of 2023 will not be considered as bar for considering the petitioner's request.



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4.This writ petition is disposed of accordingly. No costs.

21.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
Theni District,
Theni.
- 2.The Tahsildar,
Theni Taluk,
Theni.
- 3.The Block Development Officer,
Office of Panchayath Union,
Theni.
- 4.The President,
Nagalapuram Panchayat,
Theni Taluk,
Theni District.
- 5.The Village Administrative Officer,
Koduvilarpatti Village,
Koduvilarpatti,
Theni District.



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G.R.SWAMINATHAN, J.

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