



WEB COPY

W.P.(MD) No.291 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.291 of 2020
and
W.M.P.(MD) No.203 of 2020**

The London Missionary Society Church
(LMS Kalparayadi)
Kanniyakulam Parayadi
rep.by its Secretary Y.Rajan
Vettoornimadam, Vadasery Village
Agasteeswaram Taluk
Kanyakumari District

... Petitioner

-vs-

- 1.The District Collector
Kanyakumari District
Nagercoil
- 2.The Superintendent of Police
Kanyakumari District
Nagercoil
- 3.The Thasildhar
Agastheeswaram Taluk
Kanyakumari District
Nagercoil



W.P.(MD) No.291 of 2020

WEB COPY

4.The Executive Officer
Kaniyakulam Panchayat
Kaniyakulam Post
Nagercoil, Kanyakumari District

5.The Inspector of Police
Vadaseri Police Station
Nagercoil, Kanyakumari District

6.The Church of South India Diocese (CSI)
Nagercoil
rep.by its Bishop, Office at Nagercoil
Agasteeswaram Taluk
Kanyakumari District

7.R.Jeyakumar

8.Devasagayam

9.Manoharan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 5 to take action against the respondents 6 to 9 and thereby to stop the unauthorized construction made in the name of “CSI Prayer Hall” without obtaining plan approval from the authorities in Survey No.721/2 in Vadasery Village, Vettoornimadam, Vadasery Village, Agasteeswaram Taluk, Kanyakumari District, in violation of the Hon'ble Retired Justice Venugopal Commission Report, dated 21.09.1985 and Rule 4(3) of Tamilnadu Panchayats Building Rules, 1997.



WEB COPY

W.P.(MD) No.291 of 2020

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1, R3 & R5
Mr.S.S.Madhavan
Government Advocate (Crl.Side) for R2 & R4
Mr.F.Deepak for R6
No appearance for R7 to R9

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the respondents 1 to 5 to take action against the respondents 6 to 9 and thereby to stop the unauthorized construction made in the name of “CSI Prayer Hall” without obtaining plan approval from the authorities in Survey No.721/2 in Vadasery Village, Vettoornimadam, Vadasery Village, Agasteeswaram Taluk, Kanyakumari District, in violation of the Hon'ble Retired Justice Venugopal Commission Report, dated 21.09.1985 and Rule 4(3) of Tamilnadu Panchayats Building Rules, 1997.

2. According to the petitioner, the District Collector is the competent authority to grant permission for construction of Church or Prayer



W.P.(MD) No.291 of 2020

WEB COPY

Hall. But, without obtaining any permission from the District Collector, the respondents 6 to 9 are constructing a Prayer Hall in the subject land. Seeking to stop the said unauthorized construction of Prayer Hall, the petitioner submitted representations to the official respondents. However, no fruitful action was taken thereafter based on the petitioner's representations. Hence, this writ petition.

3. The fifth respondent has filed a counter affidavit stating that on getting information from the petitioner, the Police Department and the Revenue Department has taken due legal action against the unauthorized construction of Prayer Hall and the Revenue Authority has closed and sealed the premises on 19.01.2020 itself and till date the same status is maintained.

4. Taking into consideration the above facts and circumstances of the case, we direct the authority concerned to take necessary steps for removal of the unauthorized construction of Prayer Hall made by the respondents 6 to 9 in the subject land, in accordance with law, after providing due opportunity to the parties concerned, without any further delay.



W.P.(MD) No.291 of 2020

WEB COPY

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

13.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 3.The Thasildhar,
Agastheeswaram Taluk,
Kanyakumari District,
Nagercoil.
- 4.The Executive Officer,
Kaniyakulam Panchayat,
Kaniyakulam Post,
Nagercoil, Kanyakumari District.
- 5.The Inspector of Police,
Vadaseri Police Station,
Nagercoil, Kanyakumari District.



WEB COPY



W.P.(MD) No.291 of 2020

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

krk

W.P.(MD) No.291 of 2020
and
W.M.P.(MD) No.203 of 2020

13.03.2024