



W.P(MD)No.5589 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5589 of 2024

and

W.M.P.(MD)Nos.5299, 5301 & 5303 of 2024

Kumar

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukkottai.
- 3.The Tahsildar,
Taluk Office,
Thirumayam,
Pudukkottai District.
- 4.The Executive Officer,
Arimalam Special Gr.Town Panchayat,
Arimalam,
Thirumayam Taluk,
Pudukkottai District.
- 5.The Paris Priest,
St.Joseph Church,
Venkatakulam,
Alangudi Taluk,
Pudukkottai District.

... 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 Certiorarified Mandamus, to call for the records of the pertaining Impugned Order passed by the 1st respondent in his proceedings in Na.Ka.E-109733/2022/A1 dated 02.11.2023 and quash the same and consequently forbearing the 4th respondent from granting any planning permission or approval to the 5th respondent to construct the church in S.F.No. 1413 with an extent 0.20.5 Ares of Arimalam Village, Thirumayam Taluk, Pudukkottai District and consequently direct the 4th respondent to stop the 5th respondents construction of church in S.F.No. 1413.

For Petitioner : Mr.R.Paranjothi
for M/s.KBS Law Office

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 to R3

: Mr.M.Senthil Ayyanar
for R4

: Mr.Isaac Mohanlal
for M/s.Isaac Chambers for R5

ORDER

Heard both sides.

2. This is the second round of litigation. One Sivakumar filed W.P. (MD)No.13485 of 2022 challenging No Objection Certificate issued by the District Collector for putting up the petition mentioned church building. The Writ Petition was disposed of by me on 20.06.2023 by directing the authorities to issue revised proceedings by incorporating certain terms and conditions.



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Pursuant to the direction given by this Court, the District Collector had issued the revised proceedings dated 02.11.2023.

3. I am satisfied that all the directions given by this Court have been duly incorporated. This is put to challenge in this writ petition. The petitioner's case is that the church building is to come up on his patta land. If the petitioner challenges the title of the fifth respondent over the site in question, the petitioner's remedy is elsewhere. He has to necessarily move the jurisdictional civil Court for appropriate relief. The writ Court is not competent to decide such issues.

4. Granting liberty to the petitioner to move the jurisdictional civil Court for appropriate relief, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.04.2024

Index : Yes / No
Internet : Yes/ No
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To

1.The District Collector,
Collectorate,
Pudukkottai.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukkottai.



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3.The Tahsildar,
Taluk Office,
Thirumayam,
Pudukkottai District.

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