



W.P(MD)No.8728 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8728 of 2021

and

W.M.P.(MD)No.6263 of 2021

Amudhan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar.

2.The Superintendent of Police,
Virudhunagar.

3.President/Executive Officer,
Villupanur Village Panchayat,
Srivilliputhur Union,
Virudhunagar.

... 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 impugned order passed by the 3rd respondent proceedings Nil, date Nil and quash the same and consequently direct the 1st respondent to grant No-objection for constructing a Religious Institution in property situated in 1399/2, vizhupanur village, srivilliputhur taluk, Virudhunagar District, on such NOC, the 3rd respondent may consider our building plan permission within time stipulated by this Court.



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For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.S.Kameswaran
Government Advocate for R1

: Mr.K.Sathiya Singh for R3

: Mr.A.Albert James
Government Advocate (Crl.side) for R2

ORDER

Heard both sides.

2. The petitioner has filed this petition on behalf of Mel Maruvathur Athiparasakthi Peetam. One Parimala had gifted the petition mentioned land measuring nearly 25 cents in favour of the said spiritual institution vide Document No.5922/2012 dated 08.08.2012 on the file of the Sub Registrar, Srivilliputhur. Thereafter, an application was submitted before the local body for permission to construct the place for public religious worship. Approval was granted on 07.09.2012 for putting up the pump room. However, an application for putting up the public religious worship was returned in January 2021 by the local body. Challenging the same, the writ petition came to be filed.

3. The learned Government Advocate for the Superintendent of Police



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informs the Court that in the vicinity, there is a shooting range. The learned Government Advocate for R1 states that for putting up the building meant for public religious worship, prior approval from the District Collector should be obtained. In this case, such permission has not been obtained from the District Collector. Therefore, the president of the local body was justified in returning the petitioner's application.

4. I do not propose to interfere with the impugned communication. At the same time, I must take note of the concerns expressed by the learned counsel for the petitioner. It is true that the land in question is located in the vicinity of police shooting range. The petitioner is ready to construct a wall of the required height so as to ensure the safety of the devotees visiting place. I cannot straight away grant the said request. This call has to be taken necessarily by the District Collector. If the District Collector is of the view that there are serious safety implications, then obviously he will have to reject the petitioner's request. In such a case, the Government must necessarily acquire the land by paying appropriate compensation to the petitioner.

5. I therefore dispose of the writ petition in the following terms:-

(I) The petitioner is granted liberty to apply to the District Collector, Virudhunagar seeking permission to put up the building for public religious



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worship.

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(II) It is open to the District Collector to reject his request in view of the fact that it is in the vicinity of the police shooting range. If that be so, the District Collector will have to necessarily take steps to acquire the land and pay compensation to the petitioner.

(III) The petitioner through his counsel states that an appropriate application will be submitted before the District Collector within a period of two weeks from the date of receipt of a copy of this order. The District Collector will pass a final order on the lines mentioned above within a period of eight weeks thereafter.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2024

Index : Yes / No

Internet : Yes/ No

rmi

To

1.The District Collector,
Virudhunagar.

2.The Superintendent of Police,
Virudhunagar.

3.President/Executive Officer,



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Villupanur Village Panchayat,
Srivilliputhur Union, Virudhunagar.



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G.R.SWAMINATHAN, J.

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W.P(MD)No.8278 of 2021



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