



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10114 of 2024 AND

W.M.P.(MD)Nos.9137 & 9138 of 2024

St.Eustachius Church,
through its Parish Priest,
Packiyapuram,
Arumanai,
Kanyakumari District.

... Petitioner

Vs.

1. The Secretary,
Home Department, Fort St. George,
Chennai – 600 009.
2. The District Collector,
Nagercoil, Kanyakumari District.
3. The Assistant Director of Panchayat,
Nagercoil, Kanyakumari District.
4. The Executive Officer,
Arumanai Panchayat, Arumanai,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned order of 4th respondent in Na.Ka. No.229/2021/A1 dated 04.04.2024 and quash the same as illegal and thereby direct the respondents not to deal and put up constructions in the property of the petitioner in Old S.No. 2044B, New Survey No. 145/11,



measuring 0.40 cents in Vellamcode Village, Arumanai Town Panchayat,
Kanyakumari District.

For Petitioner : Mr.S.Manohar
For R-1 to R-3 : Mr. Mr.K.Balasubramanian,
Special Government Pleader.
For R-4 : Mr.M.Siddharthan,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a church. The petitioner's allegation is that the local body is putting up a water tank in the land belonging to church.

3. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the local body clarified that construction is being put up only in survey No.145/11 in Vellamcode Village. A copy of "A" Register extract has been furnished. It is seen therefrom that while survey No.145/10 belongs to the petitioner- Church, survey No.145/11 has been characterised as market / Government poramboke. If construction is coming up only in survey No.145/11 as



contended by the respondents, the petitioner cannot have any grievance.

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4. It is always open to the petitioner herein to work out their rights in the manner known to law. It is seen from the photograph that a Kurusady is located in the vicinity. While putting up construction, sufficient care should be taken that Kurusady is not damaged in any manner.

5. Recording the stand of the respondents, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

26.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Secretary,
Home Department, Fort St. George, Chennai – 600 009.
2. The District Collector, Nagercoil, Kanyakumari District.
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G.R.SWAMINATHAN,J.

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