



WP(MD). No.10564 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/12/2024

CORAM

**THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND**

THE HON'BLE Mrs. JUSTICE L.VICTORIA GOWRI

WP(MD). No.10564 of 2021

and WMP(MD) No.8223 of 2021

Silvans.K

... Petitioner

Vs

1. The District Collector,
Kanyakumari District..

2. The Executive Officer,,
Verkilambi Town Panchayat, Kallankuzhi
Post, Kanyakumari District.

3. S. Muthukrishnan
(R3 is Impleaded Vide Court
Order Dated 05.08.20.)

... Respondents

PRAYER :-Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 2nd respondent vide proceeding in Na.Ka.No. 59/2019/A1 dated 18.06.2021 and quash the same as illegal and consequently direct the 2nd respondent to drop the proceeding by considering explanation dated 18.05.2021 and 21.06.2021.

For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.S.R.A.Ramachandran for R1 & R2



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Additional Government Pleader
Mr.B.Rajesh Saravanan for R3

ORDER

(Order of the Court was made by the Hon'ble the Chief Justice)

The petitioner is challenging the notice dated 18.06.2021, which also is a second notice, the first notice having been issued on 15th May 2021, to demolish the structure being constructed by petitioner on the ground that it was totally in violation of the building plan approved.

2. The petitioner had obtained a building plan for house, but it is alleged that it is being constructed for a place for worship in deviation of the building plan.

3. Respondent No.2, who is the Executive Officer, has filed a counter affidavit dated 04.08.2021, in which serious allegations have been made against petitioner. Paragraph 7 reads as under:

“7. ... In fact they were present during the inspection by the 2nd Respondent and the photographs taken confirms that the building is intended to be used for religious worship purpose and not as an Office. In-fact even after obtaining the building assessed to property tax on allegedly on completion of the



construction, the construction work is in progress as evident from the photographs set at the typed set of papers. More over the Petitioner himself as the Treasurer of the Parish gave an undertaking before the Thiruvattar Police during the petition enquiry that the construction of the building is only for Guest House and not a place of worship. But at the time of inspection, it was found that the ongoing construction is for the purpose of worship and not as an office premises.

...

When an allegation was leveled that on getting building plan approved for house is being converted as a place for religious worship in deviation of the building plan, the 2nd Respondent on field inspection was satisfied that construction of building is in deviation of the approved plan or it resembles place of worship, in the interest of keeping intact public peace and tranquility, he has no option other than to cancel the approval given and to direct the applicant to remove the unauthorized construction.”

4. A copy of the photograph tendered by respondent No.3 is also scanned and reproduced below:



5. There is no denial to these allegations made in the counter



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affidavit by respondent No.2, which has been filed and copy served over three years ago.

6. In the circumstances, in our view the petition is devoid of merits.

7. After the above order was dictated, counsel for petitioner sought leave to withdraw the petition. Petition is dismissed as withdrawn. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

**(K.R.SHRIRAM, C.J.)
GOWRI, J.)**

(L.VICTORIA

19.12.2024

NCC : Yes/No
Index : Yes/No

RR

To
1. The Block Development Officer,

4/6



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(Village Panchayat), Panchayat Union,
Theni.

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2. The Panchayat Persident,
Oonjampatti Panchayat, Oonjampatti,
Theni Dist.



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THE HON'BLE CHIEF JUSTICE

AND

L.VICTORIA GOWRI, J.

RR

**ORDER
IN**

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