



WP(MD)No.1293 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

WMP(MD)Nos.1105, 1106 of 2019

Joseph

.. Petitioner

v.

- 1.The District Collector,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Padmanabapuram,
Kanyakumari District.
- 3.The Superintendent of Police,
Kanyakumari District.
- 4.The Assistant Director (General),
Town Panchayat,
Nagercoil.
- 5.The Executive Officer,
Kumarapuram Town Panchayat,
Kanyakumari District.



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6. The President,
Muslim Jamath,
Manalikai,
Kanyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in Na.Ka.No.C3/41239/2017 dated 08.01.2019, quash the same and consequently, forbear the sixth respondent from raising permanent structures in the burial ground situated opposite to Kurusadi and cemetery of Rayappar Chinnappar Church, Manalikai in S.No.291/2 and also to restore the entrance of Muslim burial ground to its original position in the northern side of S.No.291/2 of Kumarapuram Village, Kanyakumari District.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.A.Baskaran,
Additional Government Pleader
for R.1 to R.4

Mr.M.Mohamed Riyaz
for Mr.R.Maheswaran for R.5

Mr.M.Rajarajan for R.6



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ORDER

The petitioner is a member of Church. He has filed this writ petition as against the permission given to the sixth respondent to renovate a Mosque.

2.The case of the petitioner is that the subject building is not a Mosque and it is a place used for burial. However, by obtaining this permission from the District Collector, the private respondent has put up some additional constructions and also developing the building as a Mosque.

3.It is represented on behalf of the private respondent that the building is an existing one and that the District Collector, the competent authority to give permission for renovation, has given permission only after ascertaining the ground reality. The renovation work has also been completed and therefore, there is no reason to interfere with the impugned order.

4.Learned Additional Government Pleader, on written instructions from the fifth respondent, submitted that though the permission was granted for



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renovation, taking advantage of the same, as pointed out by the petitioner, the sixth respondent has put up some additional constructions. On the objections raised by the petitioner, a warning notice has been issued and those additional constructions made by the sixth respondent were removed.

5. Recording the submissions made by the learned Additional Government Pleader and the report of the fifth respondent / Executive Officer, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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To

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2. The Revenue Divisional Officer,
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3. The Superintendent of Police,
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4.The Assistant Director (General),
Town Panchayat,
Nagercoil.

5.The Executive Officer,
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B.PUGALENDHI, J.

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