



W.A.(MD)No.742 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.09.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**
AND
THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.A.(MD)No.742 of 2019
and
C.M.P(MD)No.6443 of 2019

S.Isaac Josheph Raj (died)
S/o Dr.P.Selvamoney,
President,
(Home Ministry Society)
Marthandam,
Kanyakumari District.

Christudhas
S/o Benjamin
No.6/9A1, Devasagayapuram,
Kesavanputhur,
Alagiyapandiapuram Post,
Kanyakumari District.

: Appellant

(Substituted vide order dated 28.02.2019 in
WMP(MD)No.15522/2018 in W.P(MD)No.4591/2015)

Vs.

1.The District Collector,
at Nagercoil,
Kanyakumari District.



W.A.(MD)No.742 of 2019

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

4.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

5.The President,
Nayoor Panchayat,
Kanyakumari District.

6.S.Selvaraj : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 28.02.2019 passed in W.P.(MD) No.4591 of 2015.

For Appellant : Mr.M.Ajmalkhan
Senior Counsel for
M/s Ajmal Associates

For Respondents : Mr.D.Sachikumar
Addl. Govt. Pleader (for R1 to R4)

Mr.V.Susikumar (for R5)



W.A.(MD)No.742 of 2019

JUDGMENT

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(Judgment of the Court was delivered by **P.VELMURUGAN, J.**)

The father of the appellant filed the writ petition before the writ Court in W.P(MD)No.4951 of 2015 seeking for issuance of a Writ of Mandamus directing the first respondent to revoke the order passed by the second respondent dated 28.05.2012 and consequently, allow him to conduct prayer in the building bearing Door No.9/272, New No.9-113H namely, HMS Prayer House, Kadavilai situated in S.No.653/4B at Chempanvilai Village, Kalkulam Taluk, Kanyakumari District. However, the writ Court dismissed the said writ petition. Aggrieved over the same, the appellant has filed the present writ petition.

2.When the matter is taken up for hearing today, the learned Senior Counsel appearing for the appellant submitted that there is a representation dated 01.09.2014 made before the first respondent by the appellant is pending for issuance of 'No Objection Certificate'. Therefore, the revocation of the order passed by the second respondent does not arise.



W.A.(MD)No.742 of 2019

3. In view of the above submission, without going into the merits of the matter, we direct the first respondent to consider the said representation, dated 01.09.2014, and pass appropriate orders on merits and in accordance with law, after giving notice to all the interested parties and after conducting an enquiry. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[P.V.,J.] [K.K.R.K.,J.]
10.09.2024

skn

NCC : Yes/No

Index : Yes / No

Internet : Yes

To

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W.A.(MD)No.742 of 2019

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W.A.(MD)No.742 of 2019

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