



W.P(MD)No.12900 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2024

CORAM:

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12900 of 2024

and

W.M.P(MD)Nos.11472 and 11473 of 2024

Our Lady of Assumption Church,
Rep. by its Parish Priest,
Rev. Fr. Saleth Jerold

.. Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Assistant Director of Town Panchayats,
N.G.O. 'B' Colony,
Tirunelveli.
- 3.Nazareth Selection Grade Town Panchayat,
Rep. by its Executive Officer,
Nazareth,
Thoothukudi District.
- 4.Shanthi
- 5.Jegadeesh
- 6.John
- 7.Charles
- 8.Edward



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9.Beisiya
10.Jenitta
11.Johnsi
12.Manjula
13.C.Anand

.. Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders passed by the third respondent in Na.Ka.No.365/2024, dated 03.05.2024 and Na.Ka.No. 365/2023 dated 08.06.2024, quash the same and direct the third respondent to conduct enquiry by providing sufficient opportunity to the petitioner.

For Petitioner	:	Mr.P.Vinoth for Mr.M.Saravanan
For R-1 & R-2	:	Mr.N.Satheesh Kumar, Additional Government Pleader
For R-3	:	Mr.Saji Bino, Special Government Pleader

ORDER

THE HON'BLE ACTING CHIEF JUSTICE.
and
G.R.SWAMINATHAN, J.

Heard Mr.P.Vinoth for Mr.M.Saravanan, learned counsel appearing for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader for R-1 and R-2 and Mr.Saji Bino, learned Special Government Pleader for the third respondent.



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2. Issuance of notice to the private respondents is dispensed with.

3. The petitioner challenges the impugned letters, dated 03.05.2024 and 08.06.2024, issued by the third respondent. The petitioner had earlier filed W.P(MD)No.17432 of 2023 challenging the notices dated 19.06.2023 and 05.07.2023. The Hon'ble Division Bench declined to interfere since only enquiry was proposed to be held. It was observed that unless the enquiry is concluded, the authority cannot take action for removal of any structure. Thereafter, fresh notice dated 18.01.2024 was issued. The petitioner was heard. It was concluded thereafter that the petition mentioned survey number(308/38) has been classified as 'RC Mission Street' and there is no document indicating that the land belongs to the petition mentioned Church. Questioning the same, the writ petition came to be filed.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned letters.



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9. The writ petition is without merits and it stands dismissed.

No Costs. Consequently, connected Miscellaneous Petitions are closed.

(R.M.D., ACJ.) (G.R.S., J.)

18.06.2024

NCC: :Yes/No

Index :Yes/No

PM

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director of Town Panchayats,
N.G.O. 'B' Colony,
Tirunelveli.



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THE HON'BLE ACTING CHIEF JUSTICE.
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