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W.P.(MD) No.21647 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.21647 of 2018
and
W.M.P.(MD) Nos.19548 & 19549 of 2018**

P.Ganesan

... Petitioner

-VS-

- 1.The District Collector
Thoothukudi District
- 2.The Revenue Divisional Officer
Tiruchendur Taluk
Thoothukudi District
- 3.The Executive Officer
Nasarath Panchayat
Tiruchendur Taluk
Thoothukudi District



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- 4.The Deputy Director of Town
and Country Planning
Tirunelveli Region
108, Thiruvananthapuram Road
Palaiyamkottai
Tirunelveli District
- 5.The Director of Town and
Country Planning
Thoothukudi Division
Tirunelveli District
- 6.The Tahsildar
Eral Taluk Office
Eral, Thoothukudi District
- 7.The Village Administrative Officer
Nasarath, Thoothukudi District
- 8.The Superintendent of Police
Thoothukudi District
Thoothukudi
- 9.The Inspector of Police
Nasarath Police Station
Thoothukudi District
- 10.The Bishop
Thoothukudi Nasarath
CSI Diocesan
Thoothukudi District
- 11.The Chairman
Pastorate
CSI Diocesan
Nasarath
Tiruchendur Tauk

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 9 herein to stop all further construction of Reverened Mathew Church at S.N.89/2 A Nazarath Village, Tiruchendur Taluk, Thoothukudi District, in the light of the orders passed by the third respondent in his proceedings dated 09.10.2018 in Na.Ka.No. 55/2017.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R9
Mr.K.Alagarsamy for R10
Mr.N.Dilip Kumar for R11

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the respondents 1 to 9 to stop all further construction of Reverened Mathew Church at Survey No.89/2, A Nazarath Village, Tiruchendur Taluk, Thoothukudi District, in the light of the orders passed by the third respondent in his proceedings dated 09.10.2018 in Na.Ka.No.55/2017.



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2. According to the petitioner, the eleventh respondent is constructing a Church in the subject land without obtaining plan approval from the authority concerned. Though the third respondent, pursuant to the complaints made by the villagers, issued a proceedings in Na.Ka.No.55/2017, dated 09.10.2018, directing the eleventh respondent to stop the further construction of the Church, the eleventh respondent is continuing with the construction activities. Therefore, the present writ petition is filed.

3. Today, when the matter was taken up for hearing, learned counsels appearing for the private respondents, on instructions, submits that the construction work has been stopped and till the approval is obtained from the competent authority, no construction activities will be carried on in the subject property.

4. Recording the above submission of the learned counsels for the private respondents, this writ petition is disposed of. However, if any construction activities are carried on without obtaining permission from the competent authority, it is open to the petitioner to approach the authority



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concerned for appropriate orders. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[R.V., J.]

07.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
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Thoothukudi District.
- 3.The Executive Officer,
Nasarath Panchayat,
Tiruchendur Taluk,
Thoothukudi District.
- 4.The Deputy Director of Town
and Country Planning,
Tirunelveli Region,
108, Thiruvananthapuram Road,
Palaiyamkottai,
Tirunelveli District.



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- 5.The Director of Town and
Country Planning,
Thoothukudi Division,
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- 6.The Tahsildar,
Eral Taluk Office,
Eral, Thoothukudi District.
- 7.The Village Administrative Officer,
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- 8.The Superintendent of Police,
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- 9.The Inspector of Police,
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