



W.P.(MD) No.14609 of 2015 and 16513 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)Nos.14609 of 2015

and

M.P(MD)No.1 of 2015

and

W.P(MD)No.16513 of 2017

and

W.M.P(MD)No.13144 of 2017

W.P(MD)No.14609 of 2015:

T.Lazar

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
at Nagercoil.
- 2.The Tahsildar,
Kalkulam Taluk at Thuckalay,
Kanyakumari District.
- 3.The President,
Cherukole Panchayat,
Kanyakumari District.



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4.The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar Post,
Kanyakumari District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the first respondent bearing No.C3/24328/2012 dated 11.10.2012 and quash the same and consequently direct the first respondent to grant approval to the petitioner for constructing prayer hall and doing prayer activities in the petitioner's land in re-survey No.642/1B in Attoor Village of Cherukole Panchayat, Kanyakumari District and the fourth respondent has not disturbing the prayer activities of the petitioner.

For Petitioner : Mr.M.Punitha Deva Kumar
For Respondents : Mr.T.Amjad Khan,
Government Advocate

W.P(MD)No.16513 of 2017:

C.Sundar Raj

... Petitioner

Vs.

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



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2.Revenue Divisional Officer,
Padmabahapuram,
Kalkulam Taluk,
Kanyakumari District.

3.The Superintendent of Police,
Kanyakumari District at Nagercoil.

4.Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District.

5.Lazer ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 herein to take action against the fifth respondent and his men herein for their unlawful and illegal activity of converting Door Nos.12/116 & 12/117 situated at re-survey No.642/1B, Veliyanvilai Veeyanoor, Cherukol Panchayat, Ettracode Village, Kalkulam Taluk, Kanyakumari District into a church as per the petitioner's representation, dated 19.07.2015, 03.08.2016 and 10.08.2017.

For Petitioner	:	Mr.A.David Oliver
For R-1 to R-4	:	Mr.T.Amjad Khan, Government Advocate



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COMMON ORDER

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

W.P(MD)No.14609 of 2015, has been filed by one T.Lazar, challenging the order of the first respondent bearing No.C3/24328/2012 dated 11.10.2012 and and consequently direct the first respondent to grant approval to the petitioner for constructing prayer hall and doing prayer activities in the petitioner's land in re-survey No.642/1B in Attoor Village of Cherukole Panchayat, Kanyakumari District and to direct the fourth respondent not to disturb the prayer activities of the petitioner.

2. W.P(MD)No.16513 of 2017, has been filed by one C.Sundar Raj, seeking for a direction to the respondents 1 to 4 herein to take action against the fifth respondent Lazar, who is the petitioner in W.P(MD)No.14609 of 2015 and his men herein for their unlawful and illegal activity of converting Door Nos.12/116 & 12/117 situated at re-survey No.642/1B, Velianvilai Veeyanoor, Cherukol Panchayat, Ettracode Village, Kalkulam Taluk, Kanyakumari District into a church, by considering his representation.



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3. W.P(MD)No.14609 of 2015, has been filed challenging the order passed by the District Collector, Kanniyakumari District, dated 11.10.2012, rejecting the claim of the petitioner after giving opportunity to the petitioner. In the said order, it is specifically informed that the if the petitioner is aggrieved by the said order passed by the District Collector, an appeal lies before the Principal Secretary to Government, Home, Prohibition & Excise Department, Secretariat, Chennai, within 30 days from the date of receipt of the order. Without exhausting the appeal remedy, the petitioner has filed the writ petition in W.P(MD)No.14609 of 2015. We are of the view that these are all factual disputes between the petitioner and the respondents.

4. Therefore, the petitioner in W.P(MD)No.14609 of 2015, is at liberty to file an appeal before the Principal Secretary to Government, Home, Prohibition & Excise Department, Secretariat, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

5. With regard to the petitioner in W.P(MD)No.16513 of 2017, it is open to him to file his objections in the appeal to be preferred by the



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petitioner in W.P(MD)No.14609 of 2015.

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6. With the above observations, these writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [K.K.R.K., J.]

18.01.2024

Neutral Citation: Yes / No
Index : Yes / No
PM

To:

- 1.The District Collector,
Kanyakumari District, at Nagercoil.
- 2.The Tahsildar,
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- 3.The Inspector of Police,
Thiruvattar Police Station, Thiruvattar Post,
Kanyakumari District.
- 4.Revenue Divisional Officer,
Padmabahapuram, Kalkulam Taluk,
Kanyakumari District.
- 5.The Superintendent of Police,
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D.KRISHNAKUMAR, J.
and
K.K.RAMAKRISHNAN, J.

PM

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