



WEB COPY



W.P.(MD)No.16885 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.16885 of 2015

and

M.P.(MD)Nos.1 & 2 of 2015

The Petecostal Mission,
Roche Colony Branch,
Tuticorin,
Rep. by its brother,
Ebenezer,
No.22/8, south Beach Road,
Roche Colony, Tuticorin.

: Petitioner

Vs.

1.The Director of Town and Country Planning,
Anna Salai, Chennai – 600 002.

2.The Local Town Planning Authority,
Rep. by its Secretary,
51, West Mada Street,
Tuticorin.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records



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pertaining to the proceedings issued by the second respondent in his proceedings in Na.Ka.No.683/2014 Thu.Vu.Thiku dated 25.08.2015 and quash the same.

For Petitioner : Mr.Ram Sundar Vijayaraj
for M/s.Veera Associates
For Respondents 1&2 : Mr.T.Amjad Khan
Government Advocate

O R D E R

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

The petitioner seeks to quash the impugned proceedings issued by the second respondent in Na.Ka.No.683/2014 Thu.Vu.Thiku dated 25.08.2015.

2.According to the learned Government Advocate appearing for the respondents, as against the lock and seal order, the petitioner preferred an appeal before the first respondent and the same was rejected by the first respondent vide Roc.No. 7564/2015 BA1 dated 28.09.2015, since the constructed prayer house violates Rules 6(4), 11(2)(a), 13(2)(11), 14(1), 14(3) and 14(6) of 'the Tamil Nadu District Municipalities Building Rules, 1972' [hereinafter 'the Rules' for brevity] and also violates the layout conditions and planning parameters.



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3.It is further submitted by the learned Government Advocate that the petitioner's request for NOC as per Rule 6(4) of the Rules was rejected by the District Collector, Thoothukudi vide proceedings in Roc.No.32031/2015/C2 dated 17.10.2015. As on today, no planning permission has been granted for the construction of the Church.

4.In view of the aforesaid submission, the writ petition is not maintainable and it is for the respondents to take necessary further course of action for removal of the Church in question by following the procedures as contemplated under the law.

5.Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

26.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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ORDER MADE IN

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