



W.P.(MD) No.21765 of 2018

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.21765 of 2018

C.Suseela

... Petitioner

-Vs-

- 1.The Commissioner,
Municipal Administration & Water Supply Department,
Ezhilagam, 6th Floor,
Annex Building, P.W.D.Estate, Chapauk,
Triplicane, Chennai-600 005.
- 2.The District Collector,
Tirunelveli, Tirunelveli District.
- 3.The Block Development Officer, (Rural),
Block Development Office,
Sankarankovil, Tirunelveli District.
- 4.The Tahsildar,
Taluk Office, Sankarankovil,
Tirunelveli District.
- 5.The Inspector of Police,
Sankarankovil Taluk Police Station,
Sankarankovil, Tirunelveli District.



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6.Salomon
7.Gnanaselvam
8.Sivaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to take appropriate action against the respondents 6 to 8 herein for removing the illegal unauthorized construction of Church building made in Old Survey No.509/5, New Survey No. 800/9, situated at Elavankulam Village, Kalappakulam Panchayat, Sankarankovil Taluk, Tirunelveli District by considering the petitioner's representation dated 03.10.2018 respectively within stipulated time as fixed by this Court.

For Petitioner : M/s.C.Vijayalakshmi
For R1 to R5 : Mr.T.Amjadkhan,
Government Advocate
For R6 to R8 : Mr.K.Guhan

ORDER

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

According to the petitioner, she made a representation dated 03.10.2018 to the respondents 1 to 5, pointing out the unauthorized construction of Church building put up by the respondents 6 to 8 in Old Survey No.509/5, New Survey No.800/9, situated at Elavankulam Village, Kalappakulam Panchayat, Sankarankovil Taluk, Tirunelveli District. Since the same has not been considered so far, she has filed this Writ Petition.



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2.The learned counsel appearing for the respondents 6 to 8 would submit that the respondents 6 to 8 are only the worshippers and the petitioner has not impleaded the CSI Tirunelveli Diocese as a party in this Writ Petition.

3.The learned Government Advocate appearing for the respondents 1 to 5 would submit that the representation of the petitioner would be considered on its own merits and appropriate orders would be passed within a time stipulated by this Court.

4.Considering the facts and circumstances of the case, without going into the merits of the case, we are inclined to direct the 2nd respondent to consider the representation of the petitioner dated 03.10.2018 and pass appropriate orders on merits and in accordance with law, after providing opportunity to all the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the respondents 6 to 8 shall place all the relevant documents, if any, before the 2nd respondent.



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5. With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., J.] & [R.V., J.]
26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

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