



W.P(MD)No.26364 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26364 of 2022

and

W.M.P.(MD)Nos.20541 & 20542 of 2022

Rev.Fr.Justin Prabhu

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District.
- 2.The Superintendent of Police,
Kanyakumari District.
- 3.The Deputy Superintendent of Police,
Colachal,
Kanyakumari District.
- 4.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.
- 5.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.
- 6.The Executive Officer,
Neyyoor Panchayat,
Neyyoor Post-629 802,
Kanyakumari District.



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7.G.Latha Mary

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed in Pa.Mu.No.C3/35999/2014 of first respondent dated 20.10.2020 and consequent order passed by the 3rd respondent dated 13.08.2022 and to quash the same and further direct the respondent 1 and 6 to approve the building plan of Annai Velankanni Church at S.No. 109/15C Neyyoor Village, Palayam, Neyyoor Town Panchayat, Kalkulam Taluk, Kanyakumari District and further direct to accord permission to conduct prayer in the premises.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.C.Satheesh
Government Advocate for R1, R4 & R5

: Mr.A.Albert James
Government Advocate (Crl.side) for R2 & R3

: Mr.P.T.Thiraviam for R6

: Mr.C.Kishore for R7

ORDER

Heard both sides.

2. The petitioner wants to put up a church. Interestingly, it is opposed by the petitioner's co-religionists. In the impugned order, there is a reference to



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the interim order granted in W.P.(MD)No.1528 of 2015. It is fairly admitted by both sides that the said writ petition was disposed of. It is for this reason I remand the matter to the file of the first respondent. The impugned order is set aside. The matter is remitted to the file of the first respondent. The first respondent will issue notice to the 7th respondent as well as the other objectors. After proper enquiry and after calling for reports from all the concerned authorities and departments, final order shall be passed on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. Unless the petitioner obtains approval from the first respondent, the petitioner shall not put up construction.

3. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.03.2024

Index : Yes / No
Internet : Yes/ No
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To

- 1.The District Collector,
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- 3.The Deputy Superintendent of Police,
Colachal,
Kanyakumari District.
- 4.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.
- 5.The Tahsildar,
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