



W.P.(MD)No.23804 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.23804 of 2017

and

W.M.P.(MD)No.19980 of 2017

C.S.Subash

: Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The District Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The District Revenue Divisional Officer,
Nagercoil,
Kanniyakumari District.

4.The Executive,
Special Grade Panchayat,
Kanniyakumari,
Kanniyakumari District.



W.P.(MD)No.23804 of 2017

5.The Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari District.

6.A.Sureshraj : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to implement the order of the proceeding of the District Collector, Kanniyakumari in C3/Sr.10/2015 dated on 29.11.2017 by considering petitioner's representation dated on 15.12.2017 in accordance with law, by the time stipulated by this Court.

For Petitioner : Mr.K.A.Thirumalaiappan
For Respondents 1 to 4 : Mr.S.P.Maharajan
Special Government Pleader
For Respondent No.5 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

O R D E R

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

This Writ Petition has been filed for a direction to the official respondents to implement the order of the proceedings of the District Collector, Kanniyakumari in C3/Sr.10/2015 dated



W.P.(MD)No.23804 of 2017

29.11.2017, by considering the petitioner's representation dated 15.12.2017, in accordance with law.

2.Today, when the matter was taken up for hearing, learned Special Government Pleader drew the attention of this Court to the counter affidavit filed by the fourth respondent and submitted that originally when the sixth respondent sought building permission for constructing a 'dwelling house' in Survey No.550/14/D.No.17/121K, Vivekanandhapuram, Kanyakumari District, the fourth respondent had granted permission on 09.08.2008. Thereafter, when the sixth respondent sought permission to shift the prayer hall from the thatched rood to Door No.17/121K, Vivekanandhapuram, Kanyakumari District, the same was rejected by the first respondent vide proceedings in C3/22772/2012 dated 12.09.2012.

3.The learned Special Government Pleader further submitted that aggrieved by the said rejection order, the sixth respondent preferred a writ petition before this Court in W.P. (MD)No.13336/2012, which came to be allowed on 14.12.2012. As against the said order, the first respondent had preferred a Writ Appeal in W.A.(MD)No.1314 of 2013 and the same came to be dismissed on 03.01.2017. Thereafter, the first respondent passed



W.P.(MD)No.23804 of 2017

an order dated 29.11.2017 bearing reference C3/SR10/2015, granting permission to shift the prayer hall to Door No.17/121K in Survey No.550/14, with certain conditions. It is further submitted that when the sixth respondent approached the fourth respondent for the alteration work in the said building, the same was rejected.

4. Learned Counsel for the petitioner would submit that the sixth respondent is violating the conditions of the said order passed by the District Collector.

5. In such circumstances, we are concerned that when there is violations of the conditions of the order of the District Collector at the time of granting permission and when the said building has been used as a prayer hall, the respondents have to take necessary action for such violation, after providing opportunity to the parties concerned.

6. Therefore, this Court directs the first respondent to look into the complaint preferred by the petitioner and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the parties, within a period of twelve [12] weeks from the date of receipt of a copy of this order.



W.P.(MD)No.23804 of 2017

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7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[D.K.K.,J.] & [M.S.K.,J.]

22.01.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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W.P.(MD)No.23804 of 2017

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W.P.(MD)No.23804 of 2017

D.KRISHNAKUMAR, J.
and
MUMMINENI SUDHEER KUMAR, J.

MR

ORDER MADE IN
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