



W.P.(MD) No.560 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.560 of 2023
and
W.M.P(MD)No.565 of 2023**

K.Govindaraj

.. Petitioner

-VS-

- 1.The District Collector,
Ramanathapuram Collector Office,
Ramanathapuram.
- 2.The Sub Collector,
O/o.Revenue Divisional Office,
Paramakudi Town and Taluk,
Ramanathapuram District.
- 3.The Tahsildar,
Taluk Office,
Paramakudi Taluk,
Ramanathapuram District.
- 4.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
- 5.Sethuraman
- 6.Ganesan
- 7.Karuppiah

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to restrain the unauthorized construction of private respondents 5 to 7 and their men in S.F.No.96/29 in Patta No.77 of Gowripatti Village, Madanthai Group, Paramakudi Taluk, Ramanathapuram.

For Petitioner : Mr.R.Paranjothi
For R-1 to R-3 : Mr.P.Thilakkumar,
Government Pleader
For R-4 : Mr.Vaikam Karunanidhi
Government Advocate(Crl. Side)

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

This writ petition is filed to direct the respondents 1 to 3 to restrain the respondents 5 to 7 and their men from putting up unauthorized construction in S.F.No.96/29 in Patta No.77 of Gowripatti Village, Madanthai Group, Paramakudi Taluk, Ramanathapuram.

2.The complaint in this writ petition is that respondents 5, 6 and 7 are putting up construction of a temple without the permission of the District Collector. The Panchayat President,



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M.Gowripatti Village has granted approval for construction. The application for 'No Objection Certificate' from the District Collector has been returned on the ground that there has been no mutation of revenue records.

3.This is a vicious circle. The Tahsildar returned the request of the petitioner for grant of patta and the District Collector refused to issue 'No Objection Certificate' on the ground that there has been no mutation of revenue records and there is also a Public Interest Litigation filed in this Court complaining of unauthorized construction. There is already a permission granted by the village panchayat for construction of a temple. No Objection Certificate by the District Collector is only an additional requirement since it is a place of religious worship.

4.We have also disposed of the writ petition in W.P(MD)No.5062 of 2023 directing the Tahsildar, Paramakudi Taluk, to effect mutation within a period of four weeks. Upon mutation being effected, the petitioner will re-submit his application for grant of 'No Objection Certificate' to the District Collector, Ramanathapuram District and the District Collector will decide upon the issuance of 'No Objection Certificate' or otherwise within four weeks from the date of



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receipt of the application. Till such time, no action will be taken on demolition of the unauthorized construction.

5.Accordingly, this writ petition is closed. No Costs.
Consequently, connected Miscellaneous Petition is closed.

[R.S.M., J.]

[L.V.G., J.]

19.08.2024

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

PM

To:

- 1.The District Collector,
Ramanathapuram Collector Office,
Ramanathapuram.
- 2.The Sub Collector,
O/o.Revenue Divisional Office,
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Ramanathapuram District.
- 3.The Tahsildar,
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Paramakudi Taluk,
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- 4.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.



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pm

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