

W.P.(MD)No.4569 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4569 of 2025

Kanagaraj

... Petitioner

-VS-

1.The District Collector,
Kanyakumari District at Nagarcoil.

2.The Sub Collector,
Padmanapuram @ Thuklay,
Kanyakumari District.

3.The Executive Officer,
Idaikode Town Panchayat,
Idaikode and Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's application dated 02.03.2024, seeking plan approval for a church building in his property bearing Door No.14/31B, Idaikode Town Panchayat, comprised in R.S. No.552/14A , Andukode Village, Vilavankode Taluk, Kanyakumari District.

For Petitioner

: Mr.C.K.M.Appaji



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For R1 and R2

: Mr.C.Venkateshkumar
Special Government Pleader

For R3

: Mr.P.T.Thiraviam
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's application dated 02.03.2024, seeking plan approval for a church building in his property bearing Door No.14/31B, Idaikode Town Panchayat, comprised in R.S.No.552/14A, Andukode Village, Vilavankode Taluk, Kanyakumari District.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner submits that he applied to the respondents 1 and 2 seeking permission to convert his house into a church for spiritual activities. However, by letters dated 05.07.2023 and 06.07.2023, the respondents 1 and 2 instructed him to apply to the concerned local authority. Hence, on 02.03.2024, the petitioner applied to the third respondent for plan approval to construct a church on his property. However, the third respondent has yet to decide on the petitioner's



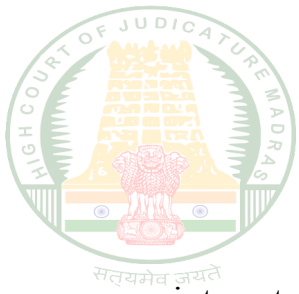
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application and is delaying the matter. Hence, the petitioner has filed the present Writ Petition.

4. Heard both sides.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's application dated 02.03.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be



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interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the third respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

20.02.2025

To:-

- 1.The District Collector,
Kanyakumari District at Nagarcoil.
- 2.The Sub Collector,
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- 3.The Executive Officer,
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VIVEK KUMAR SINGH, J.

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