



W.P.(MD)No.5406 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5406 of 2025

and WMP (MD) No.3961 of 2025

The Bishop
Bishop Stowe
No.16, North Highground Road
Palayamkottai
Tirunelveli

: Petitioner

Vs.

1. The Chairman Cum District Collector,
Local Planning Authority,
Tirunelveli Region,
Tirunelveli.

2. The Member Secretary,
Local Planning Authority,
Tirunelveli Region,
Xavier Colony,
South Bye-Pass Road,
Tirunelveli - 627005.

3. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

4. A.Abdul Lathif

5. Meeran Mohaideen



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6. Meera Banu

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to revoke Technical Approval No. 17/2018 and Planning Permission No. 21/2018 granted in favor of the 5th respondent for Survey Nos. 602/1 (Part) and 602/2 (Part) admeasuring 4846 Sq. Meters, Kulavanigarpuram village, correlating to T.S. No. 3/2A and 3/1B, Perumalpuram Extension Development Plan No. 5 in Tirunelveli Corporation, under the Tamil Nadu Town and Country Planning Act, 1971, and initiate appropriate action against the 5th respondent within the time frame fixed by this Hon'ble Court.

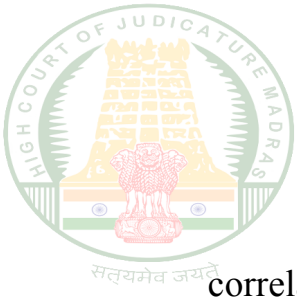
For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.J.K.Jeyaseelan

Government Advocate
for R1 & R2

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to revoke Technical Approval No.17/2018 and Planning Permission No. 21/2018 granted in favour of the fifth respondent for Survey Nos. 602/1 (Part) and 602/2 (Part) admeasuring 4846 square meters, Kulavanigarpuram Village,



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correlating to T.S. No. 3/2A and 3/1B, Perumalpuram Extension Development Plan No. 5 in Tirunelveli Corporation, under the Tamil Nadu Town and Country Planning Act, 1971, and initiate appropriate action against the 5th respondent within a time frame.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 3 to 6 is dispensed with.

3. The petitioner asserts that he is the Bishop of the Church of South India (CSI), Tirunelveli Diocese. He alleges that the fifth respondent fraudulently claimed ownership over the diocese land and executed a sale deed in favor of his wife, the sixth respondent. The petitioner's grievance is that the first respondent sought technical approval for the subject property based on fabricated documents. Despite the petitioner's objections, the second respondent granted technical approval on 06.06.2018 concerning the property in question. It is



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contended that diocese property cannot be transferred without the consent of its governing body. Therefore, the technical approval obtained through forged documents must be cancelled under Section 54 of the Tamil Nadu Town and Country Planning Act, 1971. In this regard, the petitioner submitted a representation on 04.02.2025 to the first respondent, requesting that approval should not be granted for the conversion of the said land. However, since no action has been taken on the representation, the petitioner has now approached this Court by filing the present Writ Petition.

4. 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 India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 04.02.2025, 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 interested in the subject matter, within a period of eight 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 second respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.02.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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