



W.A.(MD)No.981 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.981 of 2022
and
C.M.P.(MD)No.7899 of 2022**

Paulraj (Died)

T.Murugananda Prasad

... Appellant

*(Appellant is suo motu substituted vide order
dated 10.03.2025 in W.A.(MD)No.981 of 2022
by GRSJ & MJRJ)*

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Sub Collector,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.
- 3.The Superintendent of Police,
Nagercoil,
Kanyakumari District.



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4. The Executive Officer,
Pacode A Town Panchayat,
Vilavancode Taluk,
Kanyakumari District.

5. Y.Thangaraj ... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal and set aside the order dated 10-01-2022 in W.P.(MD).No.11276 of 2020 on the file of this Court.

For Appellant : Mr.C.Kishore

For Respondents : Ms.P.B.Ahamed Yasmin Parvin,
Government Advocate for R1 to R3.
Mr.S.P.Maharajan,
Standing Counsel for R4.
Mr.S.C.Herold Singh for R5

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2. One Paulraj filed W.P.(MD)No.11276 of 2020 challenging the proceedings dated 06.03.2020 issued by the District Collector, Kanyakumari granting permission to reconstruct a church in the petition



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mentioned site. The learned Single Judge vide order dated 10.01.2022 declined to interfere in the matter. Challenging the same, Paulraj filed writ appeal. During the pendency of the writ appeal, Paulraj passed away and the present appellant had come on record.

3.The prime contention of the learned counsel for the appellant is that there is no material to show that the existing building was functioning as a church for forty years as claimed by the District Collector before this Court.

4.The learned counsel for the appellant is right in contention that the District Collector has not adduced any material in support his contention.

5.Be that as it may, the only requirement set out in the statute is that the District Collector's prior permission must be obtained. In this case, The District Collector's prior permission has been obtained. The statutory requisite has been fulfilled. Vide order dated 05.03.2025 in



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W.A.(MD)No.1438 of 2022 (Rev.H.E.Chandra Kumar Vs.The District Collector, Tirunelveli District), we have held that we would respect the District Collector's opinion in the matter.

6.We are therefore of the view that interference with the impugned order is not warranted. The writ appeal is dismissed. We direct the first respondent to issue supplementary proceedings indicating the manner in which, the church has to function so as not to cause any nuisance to the members of the locality. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (M.J.R. J.)
10.03.2025**

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

To:

1.The District Collector,
Kanyakumari District,
Nagercoil.



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2.The Sub Collector,
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and
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10.03.2025
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