

In the High Court of Judicature at Madras

Dated: 22.04.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.11839 of 2015
and M.P. Nos. 1 and 2 of 2015

Sakthi R. Balan

.. Petitioner

vs.

1. The Collector
Collectorate Chennai
Rajaji Road, Chennai.
2. The Tahsildar
Mylapore-Triplicane Taluk
Now Taramani Taluk
Chennai-113.
3. The Chairman
Previously Zone-X, Now Zone XIII
Chennai Corporation
L.B.Road, Adyar, Chennai-20
4. The Assistant Commissioner
Zone-XII, Chennai Corporation
Adyar, Chennai-20.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the record the resolution passed by the 3rd respondent in Subject No.40 dated 28.01.2009 is illegal, quash the same and consequently directing the 4th respondent allow the colony people without any disturbance to utilize the burial ground comprised in Survey No.210/3 and 210/4 in Thiruvannmiyur Village, Mylapore-Triplicane Taluk now Taramani Taluk.

For Petitioner : Mr. G. Ranganathan

For Respondents : Mr. S.T.S. Murthi
Govt. Pleader for R1 & R2
Mr. K. Soundararajan for R3 & R4.

O R D E R

(Made by The Hon'ble The Chief Justice)

In the year 2009, the area being used as a burial ground was decided to be used as a public park. Since the people were using it as burial ground often, a writ petition was filed being W.P.No.2856 of 2015, in which we had passed orders on 30.03.2015, after the learned counsel for the respondents-Corporation had obtained instructions. According to them, none would be permitted to use the area as burial ground, while the issue of conversion into a public park is being examined and the area would be secured.

2. The present petition is clearly a counter-blast seeking to nullify that order by the petitioner who is claiming after six years that he only recently came to know that no burial is taking place in the burial ground. There is no explanation for the inordinate delay in approaching this Court seeking to assail the decision of the year 2009.

3. For the aforesaid reasons, the writ petition is dismissed. No costs. Consequently, M.P. Nos.1 and 2 of 2015 are also dismissed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar[T.S.S., J.]

ATR

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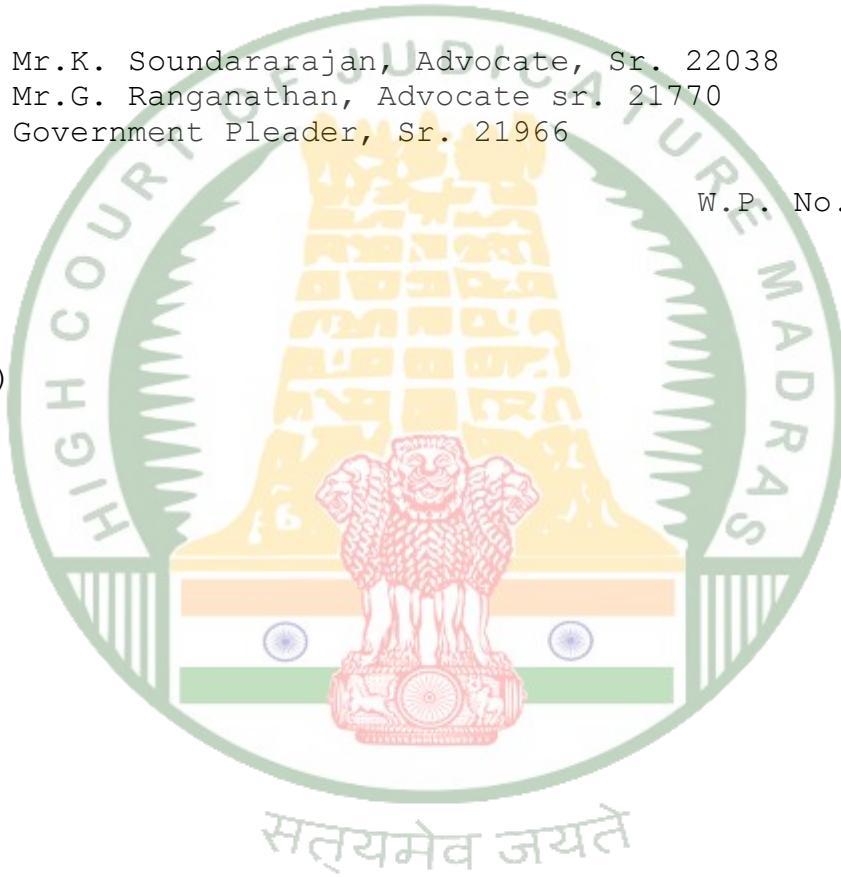
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1 cc to Mr.K. Soundararajan, Advocate, Sr. 22038
1 cc to Mr.G. Ranganathan, Advocate sr. 21770
1 cc to Government Pleader, Sr. 21966

W.P. No. 11839 of 2015

TEJ (CO)
kk 29/4



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