

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33000 of 2014
and M.P.Nos.1 & 2 of 2014

Evangelical Christian Church of India,
Rep by its Secretary,
Rev J Sundara Raj,
2nd Street, Ormes Road,
Kilpauk, Chennai - 600 010.

.. Petitioner

vs.

1.The District Collector,
Collector of Kancheepuram District,
Kancheepuram.

2.The Commissioner,
Tambaram Municipality,
No.28, Muthuranga Mudali Street,
Tambaram West,
Chennai - 600 045.

3.The Revenue Divisional Officer,
Tambaram,
Kancheepuram District.

4.The Tahsildar,
Office of Tahsildar, सत्यमेव जयते
Tambaram,
Kancheepuram District.

5.The Inspector of Police,
S-11, Police Station,
Tambaram,
Chennai - 600 045.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned directions passed by fourth respondent in Na.Ka.No.2002/14/B1 dated 28.08.2014 and quash the same and consequently direct the second respondent to prohibit further

cremation or burial in the patta land situated at Plot No.12 & 13, Jerusalem Nagar, Irumbuliyur Village, Saidapet Taluk, Chengalpet Village in Survey No.9/1A1A1A at measuring about 2 grounds 1122 sq.ft. (5922 sq.ft.)

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondents : Ms.P.Rajalakshmi
Government Advocate [R1,R3,R4 & R5]
Mr.P.Srinivas [R2]

O R D E R

Heard Mr.R.C.Paul Kanagaraj, learned counsel for the petitioner, Ms.P.Rajalakshmi, learned Government Advocate for respondents 1, 3, 4 and 5 and Mr.P.Srinivas, learned counsel for second respondent.

2. The petitioner seeks for issuance of a Writ of Certiorarified Mandamus to quash the order dated 28.08.2014 by which the fourth respondent informed the petitioner that there is no record available in his office with regard to the classification of the petitioner's land.

3. Learned counsel for the petitioner submits that the petitioner challenged the impugned order contending that the fourth respondent failed to take note of the fact that the respondents 1 and 2 have not granted any permission to use the land of the petitioner's patta land as cremation ground and if the same is permitted, the petitioner's right would be seriously prejudiced.

4. Learned Government Advocate, on instructions from respondents 3 and 4, submitted that the land as on date is a patta land and in this regard, copy of the Town Surveyor Register has been produced, which shows that the land in Survey No.25/9/1A1A has been classified as Church (fpwp!;Jt njthyak;). Learned Government Advocate, on instructions, further submitted that more than thirty years, the land in question is shown as patta land of the Church.

5. If such is the case, then the respondents should ensure that no cremation or burial of dead bodies should be made in the petitioner's land, since the land in question has not been notified as cremation or burial ground as on date.

6. In the light of the above, the Writ Petition is allowed and the impugned order is quashed. The respondents are directed to ensure that the land in question is not interfered and the petitioner would be permitted to enjoy the patta land in his individual right and also ensure that no cremation or burial of dead bodies is done in the petitioner's patta land.

This Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm/ds

To

- 1.The District Collector,
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Kancheepuram.
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- 3.The Revenue Divisional Officer,
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Office of Tahsildar,
Tambaram,
Kancheepuram District.
- 5.The Inspector of Police,
S-11, Police Station,
Tambaram,
Chennai - 600 045.

- 1 cc to Mr.R.Bhagawat Krishna ,Advocate, SR.No.15099
1 cc to Government Pleader,Sr.No15722
1 cc to Mr.P.Srinivas ,Advocate, SR.No.15083

W.P.No.33000 of 2014

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