

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-01-2015

CORAM

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No.23703 of 2014

Immanuel Mahendranath Roberts .. Petitioner

vs

1. The Commissioner
Corporation of Madras
Ribbon Buildings
Chennai 600 003
2. The Zonal Health Officer
Zone - VI, Corporation of Chennai
Ayanavaram, Chennai 600 023
3. Honourable Bishop
Madras Dioces
Bishop in Madras for CSI Church
226, Cathedral Road
Chennai 600 086 .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the second respondent in respect of letter dated 26.8.2014 in heir REf.No.ZOVI/HDC No.41181/2014 in G.D.No.034055/14 and quashing the same.

For Petitioner : Mr.A.P.Surya Prakasam
For Respondents : Mr.G.Anantharangan for RR1 & 2
No appearance for R3

ORDER

(Order of the Court was made by THE HON'BLE CHIEF JUSTICE)

This petition had been filed as a Public Interest Litigation aggrieved by the endeavour to shift the mortal remains of Reverent Anderson, who died on 25.3.1855, and was buried in the C.S.I. Cemetery at Tana Street, Purasawalkam, Chennai, and the same is being maintained by the C.S.I. Missionary Chapel, Purasawalkam,

for the past 160 years. Late Rev. Anderson is stated to be revered and respected by thousands of people of Christian faith, more particularly, the student community of Tamil Nadu, as he was the main founder and instrumental in setting up the world famous Madras Christian College, Tambaram and other educational institutions. Anderson Street in the heart of Chennai is stated to be named after him.

2.The endeavour to shift the mortal remains of Late Rev. Anderson is alleged to have been made in the night of 28.8.2014 and the very permission granted by the first and second respondents has been called into question. The place where the mortal remains were buried, has been declared by the Government of Tamil Nadu as a place of historical importance and heritage and thus, no digging activity was also permissible. There was no public notice, nor were any objections invited.

3.The counter affidavit filed by the first two respondents, seeks to suggest that a letter was furnished by the then Bishop, Diocese of Madras, Church of South India, dated 7.5.2014, for such shifting and it is pursuant thereto, the first two respondents are stated to have granted permission.

4.We have issued notice in the matter and directed the parties to maintain status-quo in terms of our order dated 8.9.2014.

5.The third respondent despite service, did not file counter affidavit and last opportunity was granted on 10.9.2014, to do so within two weeks. The Court was informed that the new Bishop had taken charge and a Committee would take call on the issue to be incorporated in the counter affidavit i.e., whether it still wants the grave to be shifted. No counter affidavit was filed and further time was sought on 13.11.2014. Even till date, no counter affidavit has been filed, nor is anyone present on behalf of the third respondent despite the matter being passed over once on account of such absence and being called for the second time. It is 1.00 P.M.

6.It appears to us that the third respondent does not want to take any stand one way or the other before the Court and there appears to be no intent now to shift the mortal remains of Late Rev. Anderson.

7.We thus dispose of the writ petition in terms of the order of status-quo already granted by us, making it final relief. No costs.

nsv

-s/d-

Assistant Registrar(CS-III)

Dt:30/1/2015

True Copy

Sub-Assistant Registrar

To:

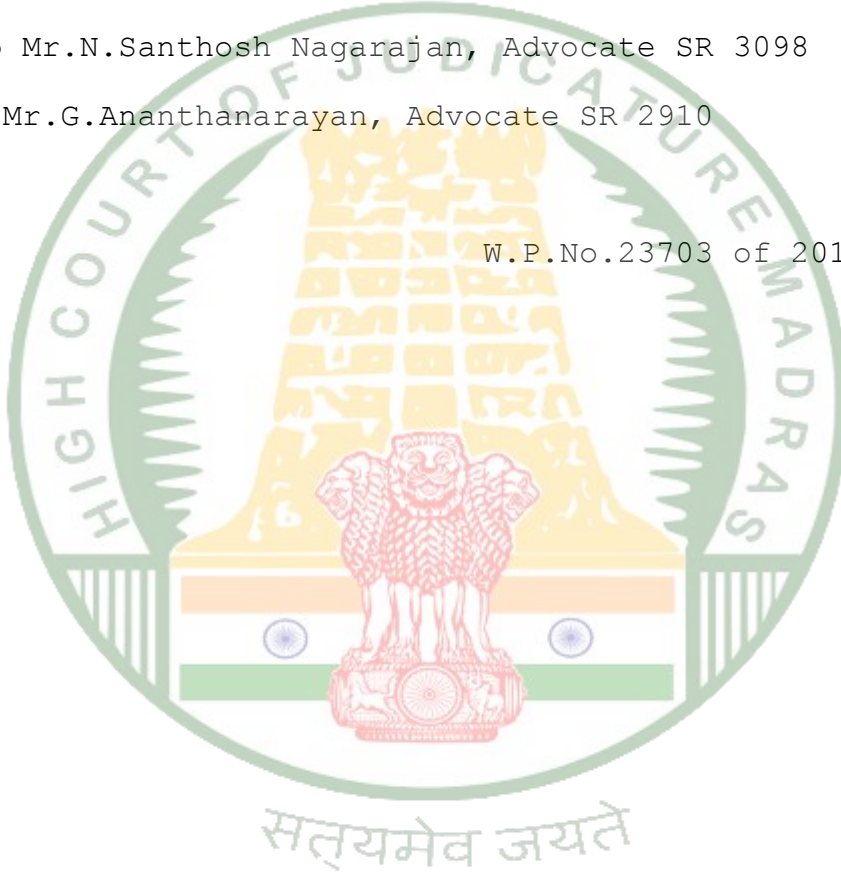
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+ 2 ccs to Mr.N.Santhosh Nagarajan, Advocate SR 3098

+ 1 cc to Mr.G.Ananthanarayan, Advocate SR 2910

kv(co)
prk5/2

W.P.No.23703 of 2014



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