

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.40062 of 2015
and M.P.No.1 of 2015

N.Jaganathan

.. Petitioner

Vs

1.The Deputy Director of Town
and Country Planning
Municipal Corporation Complex,
Dr.Nanjappa Road, Coimbatore.

2.The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the 2nd respondent from allowing anybody to bury the dead body in the land situated in T.S.No.3, Block No.3, Ward No.H, Pollachi Municipal Limit, Pollachi, Coimbatore District till the disposal of the representation made by the petitioner on 09.12.2015 pending before the 1st respondent.

For Petitioner : Mr.C.Prakasam

For Respondent 1 : Mr.R.Vijaykumar

Additional Government Pleader

For Respondent 2 : Mr.A.S.Thambusamy

ORDER

Heard Mr.C.Prakasam, learned counsel for the petitioner; Mr.R.Vijayakumar, learned Additional Government Pleader for the first respondent and Mr.A.S.Thambusamy, learned counsel for the second respondent Municipality.

2. Earlier the petitioner approached this Court by way of Writ Petition in WP.No.36783 of 2015 for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the second respondent dated 06.05.2015 and direct the second respondent to grant layout approval for the petitioner's land. The said Writ Petition was disposed of by an order dated 19.11.2015, directing the Deputy Director of Town and Country Planning, Coimbatore to consider the petitioner's application

for re-classification. Since by then, the request made by the petitioner was forwarded by the second respondent to the first respondent vide proceedings dated 30.12.2014. Pursuant thereto, the first respondent has passed an order dated 19.01.2015 rejecting the order for re-classification and communicated the same to the second respondent. A copy of the communication has been produced before this Court.

3. In the light of the above, the prayer sought for cannot be granted since already the petitioner's request for re-classification has been rejected and as on date the classification of the land is "burial ground". Accordingly, the Writ Petition is dismissed. However, this will not stand in the way of the petitioner questioning the order passed by the first respondent dated 19.01.2015, in the manner known to law before the appropriate forum. Since the petitioner is yet to be communicated with the said order, there will be a direction to the second respondent to communicate the order dated 19.01.2015 by Registered Post with acknowledgment due within a period of one week from today. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ds

To :

1.The Deputy Director of Town and Country Planning
Municipal Corporation Complex,
Dr.Nanjappa Road, Coimbatore.

2.The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore District.

+lcc to Mr.R. Vijaya Kumar, Advocate, S.R.No.69702
+lcc to Mr.AS.Thambuswamy, Advocate, S.R.No.69522
+lcc to Mr.C. Prakasam, Advocate SR.69589
+lcc to the Government Pleader, S.R.No.69639

CA(CO)
EU(05/1/2015)

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