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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.2139 of 2014

A.Tamilarasan ... Petitioner

Vs.

1.The District Collector, Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director, Panchayat Union Office,
Collectorate Campus, Ramnad.

3.The Tahsildar. O/o.Tahsildar Office,
Thiruvadanai Taluk, Ramnad District.

4.The President, S.P.Pattinam Panchayat,
Thiruvadanai Taluk, Ramnad District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to forbear the respondents from constructing the Bus Stand in the Hindu Vadugar Community Graveyard in the land comprised in Survey No. 198/1 Re. Survey No. 198/1B measuring 75 cents situated at Sola Alagan Kottai, Marungoor Group, S.P. Pattinam Post, Thiruvadanai Taluk, Ramnad District.

For Petitioner : Mr.A.Uthayakumar
For RR – 1 & 3 : Mr.M.Govindhan
Special Government Pleader
For R – 4 : Mr.A.Muthukaruppan
For - 2 : No appearance

ORDER

(Order of the Court was made by **R.SUDHAKAR,J.**)

This writ petition has been filed in public interest, seeking a Writ of Mandamus to forbear the respondents from constructing Bus Stand in the Hindu Vadugar Community Graveyard, comprised in Survey No. 198/1, Re. Survey No. 198/1B, measuring 75 cents situated at Sola Alagan Kottai, Marungoor Group, S.P. Pattinam Post, Thiruvadanai Taluk, Ramnad District.

2. Heard both sides.

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3. Whether a bus stand should be constructed within the village

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panchayat limits or nearer to a burial ground, is the issue in dispute. The petitioner also made a representation dated 17.10.2013 to the authorities concerned in this regard, however, till date, no action has been taken. Hence, the present writ petition.

4. Though the petitioner has sought for the relief as above, the learned Counsel for the petitioner would submit that the representation dated 17.10.2013 submitted by the petitioner may be directed to be considered by the first respondent.

5. Accordingly, without going into the merits of the petitioner's claim, the first respondent is directed to verify the nature of the complaint made by the petitioner and consider the representation of the petitioner dated 17.10.2013 on its own merit and in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned is free to deal with the matter on its own merit as per law.

6. With the above direction, this writ petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

mj
To

1.The District Collector,Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director,Panchayat Union Office,
Collectorate Campus,Ramnad.

3.The Tahsildar.O/o.Tahsildar Office,
Thiruvadanai Taluk,Ramnad District.

4.The President, S.P.Pattinam Panchayat,
Thiruvadanai Taluk, Ramnad District.

+1CC to Mr.A.Uthayakumar Advocate Sr.No.47122
+1CC to Spl.Government Pleader Sr.No.46767

GJM/AAL/MP/23.9.15-2P-7C

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