



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition(MD)No.21647 of 2015

R.Arulkumar

... Petitioner

Vs.

- 1.The Deputy Secretary to the
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The District Collector,
District Collectorate, Madurai.
- 3.The Revenue Divisional Officer,
District Collector's Office,
Madurai - 625 020.
- 4.The Commissioner of Police,
Madurai City, Madurai.
- 5.The Assistant Commissioner of Police,
Land Grabbing Prevention,
Special Wing, Tallakulam, Madurai.
- 6.The Inspector of Police,
Thirupparankundram Police Station,
Thirupparankundram, Madurai.
- 7.The Commissioner,
Madurai Corporation, Madurai.
- 8.The Bishop,
C.S.I Madurai and Ramanathapuram Diocese,
East Gate, Madurai.
- 9.Muthiah Devanesan,
C.S.I Pasumalai Church,
Pasumalai, Madurai.
- 10.The Secretary,
C.S.I Madurai and Ramanathapuram Diocese,
East Gate, Madurai.

... Respondents



the respondents to take appropriate action on the petitioner's petition and find out the petitioner's father's cemetery and restore the petitioner's father's cemetery on the basis of the petitioner's petitions dated 14.10.2015 and 24.11.2015.

For Petitioner : Mr.S.Samuel James Devasagayam
For RR 1 to 6 : Mr.M.Murugan
Government Advocate
For R - 7 : Mr.R.Murali

ORDER

This Writ Petition is filed seeking for a direction to the respondents to take appropriate action on the petitioner's petition and find out the petitioner's father's cemetery and restore the same on the basis of the petitioner's petition dated 14.10.2015 and 24.11.2015.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents 1 to 6 and Mr.R.Murali, learned counsel takes notice for the seventh respondent.

3. It is an admitted case of the petitioner that the cemetery referred to in the Writ Petition is under the control of the respondents 8 to 10, who are the private parties. It is the claim of the petitioner that his father's cemetery has been permitted to be reused by some other third party to burry another dead body, by the private respondents, namely, respondents 8 to 10. Therefore, he seeks action through the official respondents including the Police against those private respondents 8 to 10.

4. I fail to understand as to how this Writ Petition is maintainable, as admittedly the cemetery is private property which is under the control of respondents 8 to 10, with which the official respondents have no statutory control or obligation to take any action even if there is any misuse, as alleged by the petitioner. Therefore, I consider that the prayer sought for in this Writ Petition is totally misconceived and the petitioner has unnecessarily invoked the jurisdiction of this Court under Article 226 of the Constitution of India. Needless to say that if the petitioner has got



any grievance against the private respondents, namely respondents 8 to 10, it is for him to work out his remedy before the appropriate civil Court, as the dispute, as projected, appears to be a pure civil dispute that too against private individuals.

5. Accordingly, this Writ Petition is dismissed as not maintainable. No costs.

Sd/-
Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The Deputy Secretary to the Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2.The District Collector,
District Collectorate, Madurai.

3.The Revenue Divisional Officer,
District Collector's Office, Madurai - 625 020.

4.The Commissioner of Police,
Madurai City, Madurai.

5.The Assistant Commissioner of Police,
Land Grabbing Prevention,
Special Wing, Tallakulam, Madurai.

6.The Inspector of Police,
Thirupparankundram Police Station,
Thirupparankundram, Madurai.

7.The Commissioner,
Madurai Corporation, Madurai.

+1cc to Mr.Samuel James Devasagayam, Advocate Sr.No.69313
+1cc to The Special Government Pleader Sr.No.69376

Akm/11.12.2015/ 3p- 10c/SKN/SK/SAR-I