



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No.5286 of 2015

and

M.P. (MD) No.1 of 2015

N. Peer Mohamed

... Petitioner

-vs-

1. The District Collector
Collectorate
Kanyakumari District
Nagercoil

2. The Superintendent of Police
District Police Office
Kanyakumari District
Nagercoil

3. S. Mohamed Kamal
Treasurer
Tamil Nadu Thowheeth Jamath
Mandarampudur Branch
Kottaram Post
Kanyakumari District-1

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to consider the petitioner's representation, dated 17.01.2015 and consequently to direct the first respondent to rescind permanently the third respondent and his men from burying the dead bodies unauthorisedly in the land comprised in Survey No.34/4 of Kottaram Village, Kanyakumari District.

For Petitioner : Mr. A. S. Alaudeen

For Respondents : Mrs. S. Bharathi, G.A., for R1 & R2

ORDER

Mrs. S. Bharathi, learned Government Advocate, takes notice for the respondents 1 and 2. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The prayer in the writ petition is for issuance of a writ of mandamus to direct the first respondent to consider the petitioner's representation, dated 17.01.2015 and consequently to direct the first respondent to rescind the third respondent and



his men, permanently, from burying dead bodies, unauthorisedly, in the land comprised in Survey No.34/4 of Kottaram Village, Kanyakumari District.

3. The learned counsel appearing for the petitioner would submit that it would suffice if the representation of the petitioner, dated 17.01.2015, is disposed of on merits and in accordance with law within a time stipulated by this Court.

4. The learned Government Advocate appearing for the respondents 1 and 2 has no objection in considering the request of the petitioner.

5. The issue on hand is with regard to prevent the third respondent from burying dead bodies in the property in dispute. In this regard, the petitioner has already approached the authorities by way of a representation, dated 17.01.2015, ventilating his grievances. But, the same is still kept pending. Therefore, without going into the merits of the claim made by the petitioner, the first respondent is directed to pass appropriate orders on the representation of the petitioner, dated 17.01.2015, on merits and in accordance with law, after giving due notice to the third respondent and other interested parties, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this order should not be construed as giving any positive direction to the first respondent, who should pass orders depending upon the facts and circumstances of the case.

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

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector,

Collectorate,Kanyakumari District, Nagercoil.

2.The Superintendent of Police,

District Police Office, Kanyakumari District, Nagercoil.

+1cc to Mr.S.A.S.Alaudeen,Advocate Sr.No. 17815

krk

AA/24.04.2015/2p- 4c/

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09.04.2015