

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.13026 of 2016 and W.M.P. No.11379 of 2016

V.B.R. Menon

Petitioner

Vs.

- 1 The District Collector
Kancheepuram District
Collectorate
Kancheepuram 631 501
- 2 The Tahsildar
Pallavaram Taluk
Pallavaram Municipal Office Complex
Chromepet
Chennai 600 044
- 3 The Executive Engineer
Public Works Department
Water Resources Organisation
Kodasthalaiyar Basin Division
P.W.D. Campus
J.N. road
Tiruvallur 602 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to pass orders on the petitioner's representation dated 06.10.2014 in the context of the illegal burial and burning of bodies and associated public nuisances in Survey No.456 of Kovur Village, Sriperumbudur Taluk, Kancheepuram District and forbear the first respondent from in any manner proceeding against the petitioner on the basis of the survey conducted on 30.03.2016 pursuant to the first respondent's communication dated 19.03.2016.

For petitioner Ms. T. Kokilavane

For respondents Mrs. A. Srijayanthi
Special Government Pleader

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the first respondent to pass orders on the petitioner's representation dated 06 October 2014 in the context of the illegal burial and burning of bodies and associated public nuisances in Survey No.456 of Kovur Village, Sriperumbudur Taluk, Kancheepuram District and forbear the first respondent from, in any manner, proceeding against the petitioner on the basis of the survey conducted on 30 March 2016, pursuant to the first respondent's communication dated 19 March 2016.

3 The petitioner earlier came up with a writ petition being W.P. No.31770 of 2014 seeking a writ of mandamus directing the respondents therein to take action to prevent the illegal burial and other cremation activities and abatement of public nuisance in water-course lands situated in S.No.456 of Kovur Village of Sriperumbudur Taluk, Kancheepuram District.

4 The said writ petition was disposed of by a learned Single Judge vide order dated 23 September 2015, directing the District Collector, Kancheepuram, to consider and pass orders on the petitioner's representation dated 06 October 2014.

5 Pursuant to the aforesaid order and also taking note of the petitioner's representation dated 09 March 2016, the petitioner was given a notice on 19 March 2016 to participate in the proceedings. Subsequently, on 30 March 2016, the petitioner has submitted a detailed representation.

6 According to the learned counsel for the petitioner, the authorities have ignored the real issue and are proceeding further on other incidental issues.

7 At this stage, we are not inclined to make any observation on the issue and further, since the officers have already initiated action, we are not passing any order, as the same may lead to obstructing or intervening the said proceedings. However, we make it clear that the District Collector, Kancheepuram, the first respondent herein, shall cause site inspection and verification of the entire area, from all angles, including all the encroachments made therein and take a consequential action on merits and in accordance with

law, for removal of the same. No further order is necessary in this writ petition.

The writ petition stands disposed of with the above observation and direction. Costs made easy. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cad

To

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Kancheepuram 631 501
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P.W.D. Campus J.N. road, Tiruvallur 602 001

+1cc to Mr.T.Kokilavane, Advocate, S.R.No.21864
+1cc to the Government Pleader, S.R.No.22183

SKS(CO)
EU(26/04/2016)

W.P. No.13026 of 2016