

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.11926 of 2013

and

M.P.No.1 of 2013

G.Natesan

... Petitioner

Vs

1. The Secretary to Government,
Department of Home Affairs,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Secretary to Government,
Department of Revenue,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
3. The District Collector,
Vellore District,
Vellore.
4. The Tahsildar,
Walajah Taluk,
Vellore District.

5. S.Pichandi

6. A.Natarajan

7. K.Ganasekaran

8. S.Magendhran

9. M.Suresh

10. S.Soundheri

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11. K.Shanmugam

12. S.Karunagaran

13. G.Pichaimuthu

14. R.Seetha ... Respondents
(R5 to R14 are impleaded as per the order
of this Court dated 30.09.2016 in WMP.No.14990 of 2016)

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to forbear the respondents from allotting and establishing the burial-cum-cremation ground comprised in S.No.396/1B situate at Melakuppam Village, Walajah Taluk, Vellore District.

For Petitioner : Mr.G.Vinodh Kumar
For R1 to R4 : Mr.D.Vairamoorthy, SGP
For R5 to R14 : Mr.E.D.Sethupathi

ORDER

By consent of both the parties, the main writ petition itself is taken up for final disposal.

2. The prayer made in the writ petition is to issue a Writ of Mandamus, forbearing the official respondents from allotting and establishing the burial-cum-cremation ground comprised in S.No.396/1B situated at Melakuppam Village, Walajah Taluk, Vellore District.

3. The case of the petitioner is that he is the owner of the lands comprised in S.Nos.396, 397, 348, 346, 347 and 345 measuring to an extent of more than 5 acres situated at Melakuppam Village, Walajah Taluk and is doing agricultural works in the said lands. While so, the petitioner came to know that the official respondents are going to acquire 10 cents of lands in S.No.396/1B in Melakuppam Village, for the purpose of establishing a burial-cum-cremation ground for Arunthathiyar Colony. According to him, if the same is allowed to proceed, he would be put to great prejudice. The petitioner further stated that there are some other lands available adjacent to Arunthathiyar Colony, which are stated to be the Government poramboke lands and dry waste lands. Pointing out that there would be a likelihood of communal clash, he made a detailed representation dated 25.02.2013 to the third respondent,

requesting not to construct the burial ground in the land in S.No.396/1B and to do the same in some other land. Finding no response, the petitioner has approached this Court with the present writ petition for the above stated relief.

4. The newly impleaded respondents have in their affidavit filed in support of the impleading petition, stated that they are residing in the Arunthathiyar Colony, Walaja Taluk, Vellore District for the many years. There is no separate burial ground allotted for their community, due to which, they are unable to perform the last rites of the deceased persons belonging to them. Hence, they made a representation to the Human Rights Commission, at whose instance, the Tahsildar inspected their colony and allotted 10 cents of natham poramboke land in S.No.396/1B. However, the said land was not handed over to them for want of approval from the District Collector. They further stated that the land allotted for burial ground and the land of the petitioner are not connected with each other and no prejudice would be caused to the petitioner, if the land allotted is used for burial purpose. Therefore, they prayed necessary orders in this regard.

5. Heard learned counsel for the petitioner, learned Special Government Pleader for respondents 1 to 4 and learned counsel for respondents 5 to 14 and also perused the available materials.

6. Considering the facts and circumstances of the case, without expressing any opinion with regard to the merits of the claim made by the parties, this Court directs the fourth respondent to consider the claims of the petitioner as well as respondents 5 to 14, after issuing notice and after affording an opportunity of personal hearing to them and thereafter take an appropriate decision in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government, Department of Home Affairs,
Government of Tamil Nadu, Fort St. George, Chennai - 600 009.
2. The Secretary to Government, Department of Revenue,
Government of Tamil Nadu, Fort St. George, Chennai - 600 009.
3. The District Collector, Vellore District, Vellore.
4. The Tahsildar, Walajah Taluk, Vellore District.

+lcc to Mr. E.D. Sethupathi, Advocate, S.R.No.56437
+lcc to the Government Pleader, S.R.No.56913

ev (CO)
md (9/11/2016)

W.P.No.11926 of 2013



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