

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.02.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.39330 of 2015
and M.P.No.2 of 2015

S.Sivakumar

.. Petitioner

Versus

1. The Commissioner of Chennai Corporation
Ripon Buildings,
Poonamalee High Road,
Park Town, Chennai 600003.

2.The Assistant Commissioner of Chennai Corporation
Zone-13, (L.B.Road)
115, Dr.Muthulakshmi Street,
Adyar, Chennai 600 020.

3.The Executive Engineer of Chennai Corporation
Zone-13, (L.B.Road)
115, Dr.Muthualakshmi Street,
Adyar, Chennai 600 020.

4.The Chairman
Chennai Corporation Ward Committee
Zone 13, Ward 181,
(L.B.Road) 115, Dr.Muthulakshmi Street,
Adyar, Chennai 600 020.

5.Sakthi R.Balan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus, calling for the records of the 1st respondent in his proceedings under Ma.A.13 Na.Ka.No.C1/8074/2015 dated 30.09.2015 and quash the same Resolution of the 4th respondent under resolution No.266 dated 28.09.2015, in so far as it relates to the burial ground of Adhi-Dravidar colony people located near Thiruvalluvar Nagar Park, Zone 13, Ward 182 of Chennai Corporation and consequently direct the respondents 1 to 3 to

implement the order passed by this Court dated 30.03.2015 made in W.P.No.2856 of 2015 forthwith.

For Petitioner ::: Mr.M.Balachandara

For Respondents ::: Mr.P.H.Aravind Pandian
Additional Advocate General
Assisted by Mr.K.Soundararajan
for R.1 to R.4
Mr.D.Selvam for R.5.

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

We have heard the learned counsel for the parties.

2. The problem relates to a burial ground which as it transpires now has been in existence for a long period of time. The endeavour to convert it into a public park as proposed by the Ward Committee was not successful, as the Corporation did not adopt that resolution.

3. As an endeavour to bridge the gap, it was considered as to how the apprehension of the petitioner could be met while simultaneously the use of the burial ground continues. It is now agreed as under by all concerned:

(i) The burial ground area will be cordoned off with the wall.

(ii) The burial ground will be properly maintained.

(iii) It will be used only as a burial ground, not as a cremation ground, especially as there is an electrical crematorium in the proximity.

(iv) A reasonable sized notice board would be put by the Corporation outside the burial ground identifying the place as a burial ground and no other boards need to be put including by respondent No.5.

(iv) A care taker and adequate personnel will be provided by the Corporation to look after the burial ground.

4. We appreciate the constructive approach adopted by the learned counsel for the parties.

5. The writ petition stands disposed of, leaving the parties to bear their own costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Chennai Corporation
Ripon Buildings, Poonamalee High Road, Park Town, Chennai 600003.

2.The Assistant Commissioner of Chennai Corporation
Zone-13, (L.B.Road), 115, Dr.Muthulakshmi Street, Adyar, Chennai
600 020.

3.The Executive Engineer of Chennai Corporation
Zone-13, (L.B.Road),115, Dr.Muthualakshmi Street,
Adyar, Chennai 600 020.

4.The Chairman,
Chennai Corporation Ward Committee
Zone 13, Ward 181, (L.B.Road) 115, Dr.Muthulakshmi Street,
Adyar, Chennai 600 020.

+2 ccs to M/s.M.Balachandar, Advocate, sr.11835, 12787

+1 cc to Mr.K.Soundararajan, Advocate, sr.12050

+2 ccs to M/s.D.selvam, Advocate, sr.11948

W.P.No.39330 of 2015

ak co

kra 03.03.2016

WEB COPY