

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.35052 and 35053 of 2013

and M.P.Nos.1 and 1 of 2013

V.Jayapal .. Petitioner in WP.No.35052/2013
P.Krishnamurthy Chettiar .. Petitioner in WP.No.35053/2013

-vs-

- 1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The Commissioner,
Tiruvannamalai Municipality,
Tiruvannamalai. .. Respondents in both WPs.

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents not to permit in respect of an extent of 2788 sq. feet of land comprised in New Sub Division No.1826/6 (WP.35052/13), and New Sub Division No.1826/1A1A2B (WP.35053/13), respectively Ward No.4, Block No.2, Tiruvannamalai Town, owned by the petitioners to be used as burial ground or any other purpose not authorized by the Tamil Nadu District Municipalities Act, 1920 and further to remove the buried bodies from the land of the petitioners.

For Petitioners : Mr.N.Ganesh Kumar for
M/s.Narmadha Sampath

For Respondents : Mr.R.Vijayakumar
Addl.G.P. for R-1

: Mr.S.Eraskine for R-2
Leo

* * * * *

O R D E R

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

The contention of the petitioners is that land to the extent of 2788 sq. feet comprised in New Sub Division Nos..1826/6 and 1826/1A1A2B owned by the petitioners is sought to be used as a burial ground and it cannot be so permitted in terms of the Tamil Nadu District Municipalities Act, 1920.

2.Learned counsel appearing for the second respondent states that they have not granted any permission for use of the land as a burial ground. If that be the position, then the land cannot be used as a burial ground for which the Corporation should take necessary action.

3.Writ petitions are, accordingly, disposed of in the aforesaid terms. No costs. Consequently, M.P.Nos.1 and 1 of 2013 stand closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Commissioner,
Tiruvannamalai Municipality,
Tiruvannamalai.

+1 cc to Govt.Pleader,sr.69775

+1 cc to Mr.S.Eraskine Leo, Advocate,sr.70306

+2 cc's to M/s.Narmadha Sampath,advocate,sr.70325.

sai(co)
krd 7/12

W.P.Nos.35052 and 35053
of 2013

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