



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

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THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.(MD).No.2831 of 2015

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.. Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his proceedings in Na.Ka.Aa 5/2369/2014 dated 09.09.2014 and quash the same as illegal and consequently direct the respondents to shift the graveyard from the present place to some other convenient place at Senkarai village, Peerkalaikadu Post, Karaikudi Taluk, Sivagangai District, without hindrance to anybody.

For Petitioner : Mr.A.K.Manickam

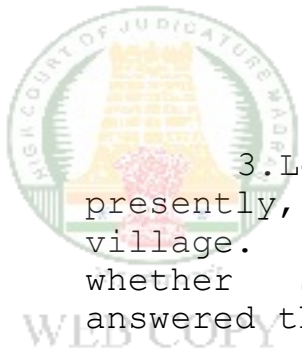
For Respondents : Mr.T.R.Janarthanan
Additional Government Pleader

ORDER

(The Order of the Court was made by S.NAGAMUTHU.J)

The petitioner has come up with this Public Interest Litigation, challenging the order passed by the third respondent in Na.K.Aa 5/2369/2014 dated 09.09.2014, refusing to shift the graveyard from the present place to some other convenient place at Senkarai Village, Peerkalaikadu Post, Karaikudi Taluk, Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/> 2.We have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. Learned counsel for the petitioner would submit that presently, the graveyard is situate in Sy.No.180-4 in the same village. When we asked the learned counsel for the petitioner whether Sy.No.180-4 is recently converted as a graveyard, he answered that it has been in vogue for more than 30 years.

4. But the learned Additional Government Pleader would submit that it has been in existence for more than 100 years.

5. We have considered the above submissions. We have also perused the records carefully.

6. From the above submissions, we are of the considered view that when the graveyard has been there for more than a decade, we cannot interfere with the decision taken by the authority, refusing to shift the graveyard, because it may be inconvenient for the petitioner. It is a sensitive matter which involves the public peace and tranquility. Therefore, with the mechanical fashion, we cannot interfere with the order passed by the third respondent, who is responsible for maintaining the law and order in the village. Hence, this writ petition is dismissed. No costs.

Sd/
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District.
2. The Revenue Divisional Officer,
Devakottai, Sivagangai District.
3. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

+1cc to M/S.A.K.Manickam, Advocate in SR.No.53659
+1cc to Special Government Pleader in SR.No.54154

W.P. (MD) .No.2831 of 2015
20.09.2016

vs

PA/AAL-MPA/29.09.2016/2P/6C