

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.NO.33578 OF 2016

S.Mala

... Petitioner

Versus

1.The District Collector
Kancheepuram District
District Collectorate,
Kancheepuram - 631 501.

2.The Assistant Director of Panchayats
Kancheepuram District,
District Collectorate,
Kancheepuram - 631 501.

3.The Block Development Officer
Walajabad Block,
Kancheepuram District.

4.The President
Poosivakkam Village Panchayat
Panchayat Office, Poosivakkam Village,
Kancheepuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to take appropriate steps to remove the crematorium being put up in the land comprised in Survey No.130, Poosivakkam Village, Kancheepuram Taluk, Kancheepuram District and re-erect the same in the adjacent land in Survey No.131, which is assigned / classified for burial grounds on the basis of the petitioner's representation dated 22.12.2015 and 22.08.2016.

For Petitioner :	Mr.C.P.Sivamohan
For Respondents	: Mr.K.J.Sivakumar
1 and 2	Government Advocate
For Respondent 3	: Mr.P.Senthilvel
For Respondent 4	: No appearance

O R D E R

The petitioner, who is the owner of the land in Survey Nos.124/1, 124/2, 121/2A and 122/2A, situated at Poosivakkam Village, Kancheepuram Taluk, Kancheepuram District, has come forward to file this writ petition with a grievance that the burial ground is in vogue, in Survey No.130, which is classified as "Meikal Poramboke" and therefore, the same will have to be removed and consequently, relocate at Survey No.131, which is assigned for burial ground.

2. This Court cannot decide as to whether which land is suitable for crematorium as it lies within the jurisdiction of the second and third respondents to decide so.

3. Considering the same and without going into the merits of the case, the representations made by the petitioner dated 22.12.2015 and 22.08.2016 are hereby directed to be disposed of by the third respondent, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner.

4. The writ petition is disposed of accordingly. No costs.

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

TK

To

1.The District Collector
Kancheepuram District
District Collectorate,
Kancheepuram - 631 501.

2.The Assistant Director of Panchayats
Kancheepuram District,
District Collectorate,
Kancheepuram - 631 501.

3.The Block Development Officer
Walajabad Block, Kancheepuram District.

C.C. to M/S.C.P.SIVAMOHAN Advocate SR.NO.20169

C.C. to The Government Pleader, High Court, Madras -104
SR.NO.20214

W.P.NO.33578 OF 2016

MP (CO)

VS 12.04.2017



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