

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.4391 of 2018
and
W.M.P.No.5392 of 2018

Mallai Aadhama Trust,
Represented by Managing Trustee,
Door No.26, Sengunthar Maligai Santaipet,
Vayappamalai Main Road,
Mallasamuthram Post,
Tiruchengode Taluk,
Namakkal District - 637 503. ..Petitioner

Vs

- 1.The District Collector,
Namakkal District,
Namakkal.
 - 2.The Executive Officer,
Mallasamudiram Town Panchayath,
Mallasamudiram,
Tiruchangodu Taluk,
Namakkal District.
 - 3.The Director,
Town Panchayat,
Chennai. .. Respondents
- (R3 Suo motu impleaded by
this Court order dated 14.3.2018)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to permit the petitioner to maintain the Electrical Burial Ground situated at Vayappamalai Main Road, Ward No.1, Survey No.272/6 in Mallasamudiram in terms of resolution No.20(10) dated 23.03.2015 and maintenance agreement dated 01.07.2015, registered as Doc.No.5 of 2015 on the file of Sub-Registrar Office at Mallasamudiram.

For Petitioner : Mr.Pitty Parthasarathy
For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

The prayer sought for in this writ petition is for issuance of writ of mandamus, directing the respondents to permit the petitioner to maintain the Electrical Burial Ground (Crematorium) situated at Vaiyappamalai Main Road, Ward No.1, Survey No.272/6 in Mallasamudiram, as per the terms of resolution No.20(10), dated 23.03.2015.

2.Heard Mr.Pitty Parthasarathy, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents.

3. The Special Government Pleader appearing for the respondents submitted that though the Crematorium constructed in the year 2015, the Director,Town Panchayat, Chennai, has now permitted "Nal Aram Sei Arakkattalai" to maintain the Crematorium for a period of three years .

4. The learned counsel for the petitioner submitted that only after filing of this writ petition, the order was passed by the third respondent on 21.3.2018 and hence, the petitioner seeks liberty to challenge the order.

5. In the light of the above facts and the submissions made by the learned counsel on either side, this writ petition is closed, by giving liberty to the petitioner to challenge the order of the third respondent dated 21.03.2018, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1.The District Collector,
Namakkal District,
Namakkal.

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2.The Executive Officer,
Mallasamudiram Town Panchayath,
Mallasamudiram,
Tiruchangodu Taluk,
Namakkal District.

3.The Director,
Town Panchayat,
Chennai.

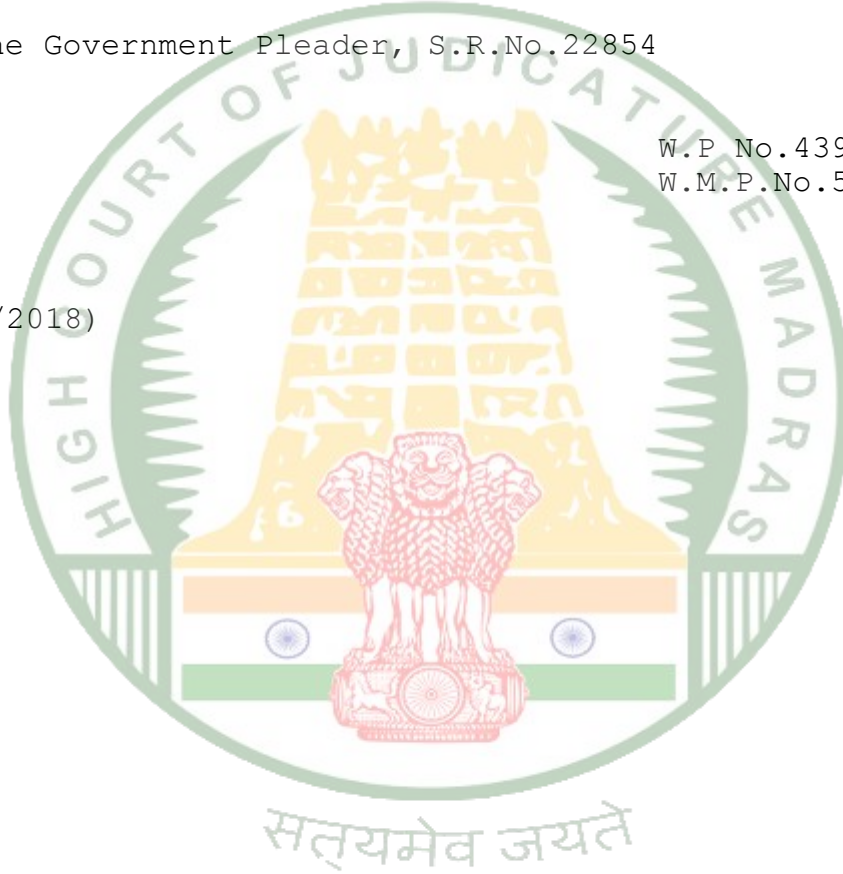
+1cc to Mr.Pitty Parthasarathy, Advocate, S.R.No.21743

+1cc to the Government Pleader, S.R.No.22854

W.P No.4391 of 2018 &
W.M.P.No.5392 of 2018

SSV(CO)

RRK(16/04/2018)



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