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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.15524 of 2018

Smryna A.G.Church
represented by its Pastor J.Joel Sam Paul,
S/o.J.John Sundar Singh,
Ramalingar Street, Vannarapettai,
Tirunelveli - 3. ... Petitioner

Vs.

1. The District Collector,
   Tirunelveli District.

2. The Revenue Divisional Officer,
   Tirunelveli,
   Tirunelveli District.

3. The Assistant Commissioner of Police,
   Tirunelveli City,
   Tirunelveli.

4. The Inspector of Police,
   Thatchanallur Police Station,
   Tirunelveli District.

5. The Executive Officer,
   Manimurthiswaram Village Panchayat,
   Tirunelveli. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to permit the petitioner to use his private patta land as burial ground situated in S.No.13/12, Block 3, Ward E in Manimurthiswaram Village, Tirunelveli District on the basis of the petitioner's representation dated 05.07.2018.

For Petitioner : Mr.K.Samidurai

For R1 to R4 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

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For R5 : Mr.Karuppasamy standing counsel

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ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.It is the grievance of the petitioner that his representation dated 05.07.2018 permitting the petitioner to use his private patta land as burial ground situated in S.No.13/12, Block 3, Ward E in Manimurthiswaram Village, Tirunelveli District has not been considered by the first respondent till date and therefore, has filed the present writ petition.

3.This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

4.In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioner's representation dated 05.07.2018 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector,
   Tirunelveli District.

2. The Revenue Divisional Officer,
   Tirunelveli,
   Tirunelveli District.

3. The Assistant Commissioner of Police,
   Tirunelveli City,
   Tirunelveli.

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4. The Inspector of Police,
   Thatchanallur Police Station,
   Tirunelveli District.

+ 1 cc TO Mr.K.Samidurai , Advocate in SR No. 73304
+ 1 cc TO The Special Government Pleader in SR No. 73574

mm
AE/PN/SAR3/26.07.2018/3P/7C

W.P.(MD) No.15524 of 2018
17.07.2018

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