



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P (MD) No.16217 of 2018
and
W.M.P (MD) Nos.14441 & 14442 of 2018

M.Joseph Devanand

... Petitioner

Vs.

1. The District Collector,
Dindigul,
Dindigul District.
2. The Commissioner,
Dindigul Corporation,
Dindigul,
Dindigul District.
3. The Thasildar,
Dindigul East Taluk Office,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice which issued by the second respondent on 16.07.2018 through their proceedings in Na.Ka.No.8333/2018/F1 and quash the same as illegal and consequently forbearing the second respondent and their men from acquiring the burial ground in Dindigul Corporation Ward No.16, Municipal Ward No.06, T.S.No.1657, Block No.66, Survey No.60.

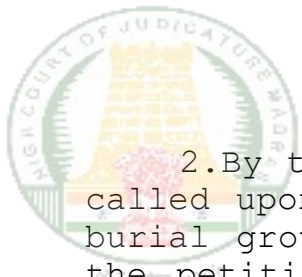
For Petitioner : Mr.B.Senthilkumar
For RR 1 & 3 : Mr.A.K.Baskarapandian,
Special Government Pleader.

For R - 2 : Mr.J.Lawrence

ORDER

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the second respondent dated 16.07.2018 and to quash the same and consequently forbear the second respondent from acquiring the burial ground in Dindigul Corporation Ward No.16, Municipal Ward No.06, T.S.No.1657, Block No.66, Survey No.60.



2.By the impugned order dated 16.07.2018, the second respondent called upon the petitioner to vacate the encroached portion in the burial ground in Survey No.60. According to the second respondent, the petitioner had encroached the burial ground and also claiming exclusive right over the same.

3.Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondents 1 and 3 and Mr.J.Lawrence, learned counsel takes notice for the second respondent.

4.The learned counsel appearing for the respondents submitted that since the petitioner is claiming exclusive right over the burial ground in Survey No.60, which is also evident from the averments stated in paragraph No.8 of the affidavit filed in support of the petition, this Court cannot entertain the claim of the petitioner in any manner whatsoever. The burial ground is meant for the public and the petitioner has no independent right over the same.

5.In view of the same, we do not find any error or illegality in the order passed by the second respondent. The Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector,
Dindigul,
Dindigul District.
2. The Thasildar,
Dindigul East Taluk Office,
Dindigul District.

+1CC to the Special Government Pleader SR.No. 75068

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25.07.2018