

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.24481 of 2018
and
W.M.P.No.28499 of 2018

T. Dhanalakshmi

... Petitioner

Vs

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Assistant Director
(Panchayats),
Collectorate,
Tiruppur District.

3.The Tahsildar,
Palladam,
Palladam Taluk,
Tiruppur District.

4.The Divisional Engineer,
National Highways,
Coimbatore - 641 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents not to permit anyone to convert the road margin in S.F.No.620, Madhapur Village, Palladam Taluk, Tiruppur District as a burial or burning or cremation ground in violation of Rules 5 and 7 of the Tamilnadu Village Panchayat (Provision of Burial and Burning Grounds) Rules, 1999 and by considering the petitioner's representation dated 17.03.2018.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.S.N.Parthasarathy,
Government Advocate

O R D E R

The petitioner seeks for a Mandamus to direct the respondents not to permit anyone to convert the road margin in S.F.No.620, Madhapur Village, Palladam Taluk, Tiruppur District as a burial or burning or cremation ground in violation of Rules 5 and 7 of the Tamilnadu Village Panchayat (Provision of Burial and Burning Grounds) Rules, 1999 and by considering the petitioner's representation dated 17.03.2018.

2. The grievance of the petitioner is that a piece of land, which according to him is lying as road margin in S.F.No.620 Madhapur Village, Palladam Taluk, Tiruppur District, is sought to be converted as burial or burning grounds in violation of Rules 5 and 7 of Tamil Nadu Village Panchayat (Provision of Burial and Burning Groudns) Rules, 1999. The petitioner contends that she is having her land adjacent to such road margin.

3. Ventilating such grievance, the petitioner made a representation on 17.03.2018 before the first respondent which is stated to be still pending without passing any orders on the same.

4. Heard both sides.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the first respondent to consider and decide, after asking the 3rd respondent to conduct spot enquiry and to file a report. Needless to say that while conducting enquiry, the 3rd respondent shall hear all the parties concerned. After getting the report from the 3rd respondent, the 1st respondent shall pass orders on the representation made by the petitioner on merits and in accordance with law. The whole exercise shall be completed by the respondents 1 and 3 within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

vsi/gsi

To

1.The District Collector,
Tiruppur District,
Tiruppur.

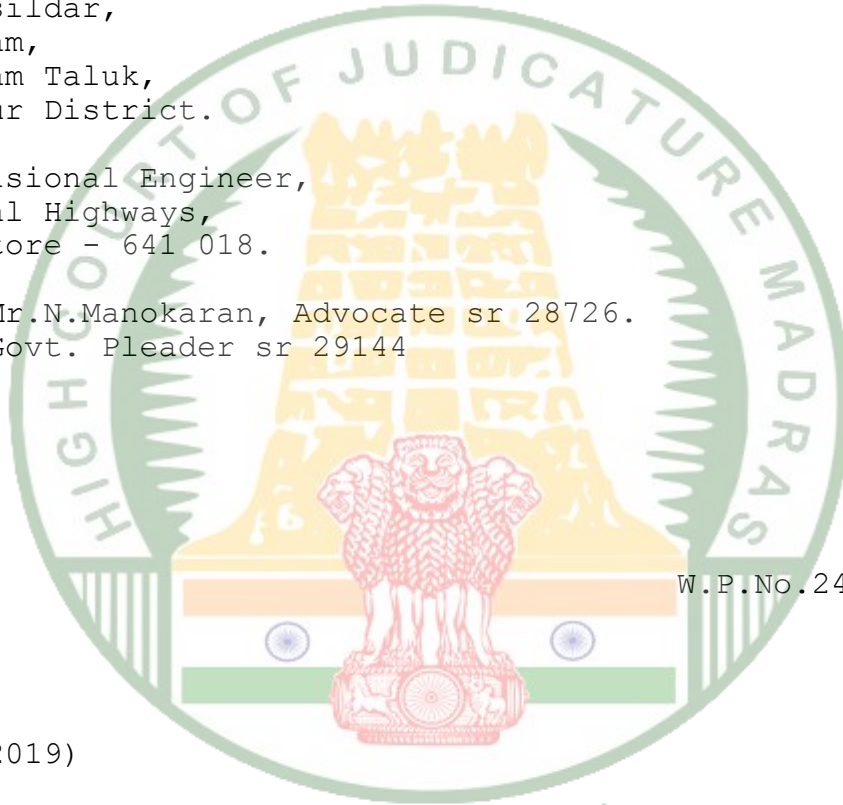
2.The Assistant Director
(Panchayats),
Collectorate,
Tiruppur District.

3.The Tahsildar,
Palladam,
Palladam Taluk,
Tiruppur District.

4.The Divisional Engineer,
National Highways,
Coimbatore - 641 018.

+1 CC to Mr.N.Manokaran, Advocate sr 28726.

+1 CC to Govt. Pleader sr 29144



W.P.No.24481 of 2018

MR(CO)
SP(30/04/2019)

सत्यमेव जयते

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