



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.24060 of 2019

and

W.M.P(MD).No.20641 of 2019

Xavier

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Executive Officer,
Kallukootam Panchayat,
Kallukootum Post,
Kanyakumari District.

3.N.Sugumaran

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondents from constructing open crematorium amidst the residential area in Survey No.767/9, Lekshmipuram Village, Kanyakumari District by considering the representation of the petitioner dated 20.10.2019 and 01.11.2019.

For Petitioner : Mr.S.C.Herold Singh

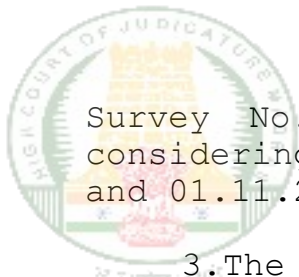
For Respondents : Mr.A.K.Baskarapandian (for R1 & R2)
Special Government Pleader

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.S.C.Herold Singh, learned counsel appearing for petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for respondents 1 and 2.

2.The petitioner seeks to forbear the respondents from constructing open crematorium amidst in the residential area in



Survey No.767/9, Lekshmipuram Village, Kanyakumari District, by considering the representations of the petitioner, dated 20.10.2019 and 01.11.2019.

3.The learned Special Government Pleader accepting notice for the respondents 1 & 2 submitted that the District Collector has granted permission for constructing a crematorium shed in the land in question for the purpose of cremation as well as to use the area adjoining as a burial ground.

4.In such circumstances, we cannot issue any direction as sought for in the writ petition. Hence, the Writ Petition stands dismissed. However, it is always open to the petitioner to approach the authorities by way of representation stating that permission should not have been granted to convert the land into the burial ground. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CrI.Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Executive Officer,
Kallukootam Panchayat,
Kallukootum Post,
Kanyakumari District.

+1 CC to M/s.GP (SR-98827[F] dated 15/11/2019)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-98665[F] dated 15/11/2019)

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JMN(03.12.2019) 2P : 5C