



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.1559 of 2020

Christian Pentacostal Churches Fellowship,
Rep. by Secretary,
S.D.Samuvel,
S/o Deva Pitchai,
No.5C, North Street,
Building Society,
Chinnamanur,
Uthamapalayam Taluk,
Theni 625 515

... Petitioner

Vs.

- 1) The Municipal Administrative
Commissioner,
Office of the Municipal
Administrative Commissioner,
MRC Nagar, Raja Annamalaipuram,
Chennai 28
- 2) The District Collector,
Theni District.
- 3) The Tahsildar,
Uthamapalayam Taluk,
Theni District.
- 4) The Commissioner,
Chinnamanur Municipality,
Chinnamanur, Theni.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to allot the above burial ground to the petitioner's Christian Benthacost Assembly as per the resolution passed by the 4th respondent dated 31.01.1997 in Resolution No.127 under Article 30 by consider the petitioner representation on 19.11.2019.



For Petitioner : Mr.S.Ramesh Kumar
For RR 1 to 3 : Mrs.J.Padmavathi Devi,
Special Government Pleader
For R4 : Mr.K.P.Krishnadoss,
Standing Counsel

WEB COPY

O R D E R

The Writ Petitioner herein, Christian Pentacostal Churches Fellowship, represented by its Secretary seeks for a Mandamus to the respondents to allot the above burial ground to the petitioner's Christian Penthacost Assembly, as per the resolution passed by the 4th respondent dated 31.01.1997 in Resolution No.127 under Article 30, by considering the petitioner's representation dated 19.11.2019.

2. A perusal of the records would show that on 31.01.1997, as per resolution No.127, it has been approved by the Chinnamanur Municipality to use 20 cents of land as a 'burial ground'. However, consequently by proceedings of the first respondent in Na.Ka.No.0588/2019/F1 dated 27.06.2019, the said resolution dated 31.01.1997 was directed to be set aside or recalled. Any action to be taken on this recommendation of the first respondent is still pending. It is also stated by the learned counsel for the petitioner that the proceedings of the first respondent was challenged by them by way of a writ petition filed before this Court and the same was dismissed. While so, a Mandamus is now being sought for the allotment of the land for burial ground as per resolution No.127, which is of the year 1997, on the ground that they have been using the said land for more than several decades.

3. There seems to be no truth in the act of the petitioner, as the writ petition is filed seeking for a Mandamus to implement the Resolution No.127, which is of the year 1997, on a second thought or with an ulterior motive. The first respondent though had issued recommendations, has not followed up the same till date, which is also condemnable.

4. In the light of the above, the first respondent is directed to follow up the proceedings dated 27.06.2019 as expeditiously as possible. In view of the above proceedings, the relief sought for by the petitioner cannot be granted. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar



1) The Municipal Administrative
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Office of the Municipal
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MRC Nagar, Raja Annamalaipuram,
Chennai 28

2) The District Collector,
Theni District.

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Uthamapalayam Taluk,
Theni District.

4) The Commissioner,
Chinnamanur Municipality,
Chinnamanur, Theni.

+1 CC to M/s.SPL.GP (SR-3713[F] dated 29/01/2020)

+1 CC to M/s.V.JEYAPRAKASH NARAYANAN, Advocate (SR-3117[F] dated
27/01/2020)

+2 CC to M/s.S.RAMESHKUMAR, Advocate (SR-3309[F] dated 28/01/2020)

STS

TE : 18/02/2020 : 3P/9C

Order made in
W.P (MD) No.1559 of 2020
Dated:27.01.2020