



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.8783 of 2020

and

W.M.P.(MD)No.8067 of 2020

Parents Teachers Association,
Nehru Middle School,
Muthukkulam,
National Law School (Post),
Navalur Kottapattu,
Trichy-27,
represented by its President,
A.Selvam.

...Petitioner

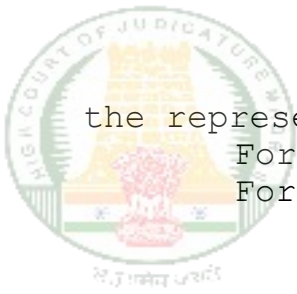
Vs.

- 1.The District Collector,
Office of the District Collector,
Trichy.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Srirangam, Trichy.
- 3.The Tahsildar,
Office of the Tahsildar,
Srirangam Taluk Office,
Srirangam, Trichy District.
- 4.The Block Development Officer,
Manikandan Panchayat,
Kallikudi, Srirangam, Trichy District.
- 5.The Correspondent,
Nehru Middle School,
Navalurkottapattu,
Srirangam,
Trichy District.
- 6.A.Sagayaraj

7.A.Devaraj

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 4 herein from in any manner permitting the respondents 6 and 7 to construct any proposed new burial ground or burn any corps in the land comprised in S.No.427/2, situated at Muthukkulam, Navalurkottapattu Village, Srirangam Taluk, Trichy, on the basis of



the representation dated 17.07.2020 given by the petitioner.

For Petitioner : Mr.K.P.S.Palanivelrajan

For Respondents : Mr.VR.Shanmuganathan

Special Government Pleader for R.1 to R.3

Mr.A.Thiyagarajan

Government Advocate for R.4

WEB COPY

ORDER

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

The grievance expressed by the petitioner is that originally, the School viz., Nehru Middle School of Muthukkulam, Navalur Kottapattu Village, Trichy, was situated in Survey No.568/2 and right in front of the School, there is a Christian burial ground and the School Authorities had purchased a portion of the land in Survey No.427 from the respondents 6 and 7 and started construction for putting up the School, after obtaining necessary licence/permission.

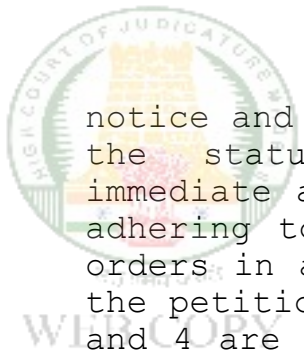
2. The petitioner would further aver that the respondents 6 and 7, who belong to a particular religion, are intending to use the rest of the land for burial purpose and they cannot do so without obtaining necessary permission/licence under the provisions of the Tamil Nadu Panchayat Burial and Burning Ground (Rule 1999) and hence, prays for appropriate orders.

3. The learned Counsel appearing for the petitioner has drawn the attention of this Court to the photographs as well as the representation dated 17.07.2020 and would submit that the representation submitted in this regard, despite receipt and acknowledgement, the official respondents failed to evoke any kind of response and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

4. Mr.VR.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.A.Thiyagarajan, learned Government Advocate accepts notice on behalf of the fourth respondent and would submit that in the light of the statutory rule, a burial/cremation ground cannot come into operation without obtaining permission/licence under the relevant Rules.

5. This Court has carefully considered the rival submissions and perused the materials placed on record.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim as projected by the petitioner either in his representation or in this writ petition, directs the respondents 3 and 4 to cause a joint inspection of the landed property in Survey No.427/2, Muthukkulam, National Law School (Post), Navalarkottapattu Village, Srirangam Taluk, Trichy - 27, after putting the petitioner as well as the respondents 6 and 7 on



notice and if the result of the inspection reveals any infraction of the statutory provisions/Rules/instructions, they shall take immediate and appropriate action in accordance with law and also by adhering to the principles of natural justice and pass appropriate orders in accordance with law and communicate the decision taken to the petitioner as well as the respondents 6 and 7. The respondents 3 and 4 are directed to carry out the said exercise as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Deputy Registrar (LA&M)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Office of the District Collector, Trichy.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Srirangam, Trichy.

3.The Tahsildar,
Office of the Tahsildar,
Srirangam Taluk Office,
Srirangam, Trichy District.

4.The Block Development Officer,
Manikandan Panchayat,
Kallikudi, Srirangam,
Trichy District

+1 CC to M/s.K.P.S. PALANIVELRAJAN, Advocate SR-13885[F]

W.P. (MD)No.8783 of 2020

and

W.M.P. (MD)No.8067 of 2020

06.08.2020

KB(19.08.2020) 3P 6C

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