



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.9410 of 2020

Abubaker Siddik(Razhi) Jum-A Mosque

Represented by Secretary R.Akbar

Madagupatti,Sivagangai Taluk,

Sivagangai District.

... Petitioner

Vs.

1.The District Collector,
Sivagangai, Sivagangai District.

2.The District Welfare Officer for
Backward Classes and Minorities,
Sivagangai.

3.The Tahsildar, Sivagangai Taluk,
Sivagangai District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to allot lands to an extent of 0.20 acres (20 cents) in S.No.80/13, classified as burial ground at Madagupatti Village, Sivagangai Taluk, Sivagangai District for burial ground for Muslims of the Village by considering the representations dated 06.12.2017, 24.08.2018 and 18.12.2019 as recommended by the 2nd respondent by his proceedings dated 15.05.2018 within the time that may be stipulated by this Court.

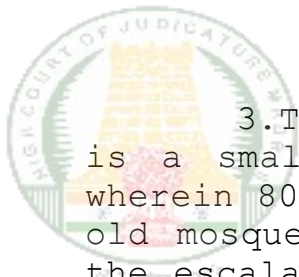
For Petitioner : M/s.Ajmal Associates
for Mr.Nawazkhan

For Respondents : Mr.Rajarajan
Additional Government Pleader

O R D E R

This Writ Petition is filed to direct the respondents to allot lands to an extent of 0.20 acres (20 cents) in S.No.80/13, classified as burial ground at Madagupatti Village, Sivagangai Taluk, Sivagangai District, for burial ground for Muslims of the Village, by considering the representations dated 06.12.2017, 24.08.2018 and 18.12.2019 as recommended by the second respondent by his proceedings dated 15.05.2018.

2.Heard Mr.A.Nawazkhan, learned counsel appearing for the petitioner and Mr.Rajarajan, learned Additional Government Pleader appearing for the respondents.



3.The case of the petitioner is that the said Madagupatti is a small village situated in Sivagangai Taluk and District, wherein 80 Muslim families are permanently residing and there is a old mosque, which is equipped a small burial ground. In view of the escalation of population in the village, the Muslim residents are not in a position to bury the dead bodies within the premises of the said mosque. In the said village, a land measuring an extent of 0.40.5 hectares situated in S.No.80/13, is classified as burial ground, which is adjacent to the petitioner mosque. However, the Muslim residents of the village have not been permitted to make use of it as the land has not been allotted to the petitioner mosque, despite the said land was classified as burial ground.

4.In this regard, the petitioner sent several representations dated 06.12.2017, 24.08.2018 and 18.12.2019. Pursuant to which, the second respondent by his proceedings dated 15.05.2018 recommended for allotment of the said land for burial ground of Muslims and the same was forwarded to the third respondent to hold enquiry and file a report. The third respondent has visited and inspected the said land and filed a report to the respondents 1 and 2. Since no action has been taken, the petitioner is before this Court.

5.The learned counsel appearing for the petitioner submitted that it would suffice if the petitioner's representation dated 18.12.2019 is directed to be considered by the authority concerned.

6.In the light of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, is inclined to direct the first and second respondents to consider the petitioner's representation dated 18.12.2019 and pass orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of twelve(12) weeks from the date of receipt of a copy of this order, after providing opportunity to the parties concerned.

7.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Ns

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,
Sivagangai,
Sivagangai District.
- 2.The District Welfare Officer for
Backward Classes and Minorities,
Sivagangai.
- 3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

+1 CC to SGP (SR-15663[F] dated 02/09/2020)

W.P. (MD) No.9410 of 2020
01.09.2020

KM (08.09.2020) 3P 5C