

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.10911 of 2016

and

M.P.No.9504 of 2016

N.Jaganathan

... Petitioner

Vs.

1.The Deputy Director of Town and Country
Planning,
Municipal Corporation Complex,
Dr.Nanjappa Road, Coimbatore.

2.The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Roc.No.4012/2015/CR4, dated 25.02.2016 and quash the same and consequently directing the respondents to reclassify old burial ground situated in T.S.No.3 Part at Block No.3, Ward No.H, Pollachi Municipal Limit, Pollachi, Coimbatore District as public purpose land.

For Petitioner :Mr.V.Raghavachari

For Respondents : Mr.N.Inbanathan

Additional Government Pleader
for R1

Mr.B.Anand for R2

ORDER

Mr.N.Inbanathan, learned counsel for the respondent submits that the guidelines have been revised as per which the approval can be granted if the property is away from the burial ground by 30 metres and above. At the time of filing the writ petition, the guidelines prescribed is 90 metres and above.

2.Considering the same, this writ petition is disposed of by directing the petitioner to file a fresh application in terms of G.O.Ms.No.18 dated 04.02.2019. In case, the petitioner satisfies the requirements of the above G.O., necessary

approval can be granted to the petitioner.

3.The petitioner is directed to approach the concerned respondent within a period of two weeks from the date of receipt of a copy of this order. On such representation being filed by the petitioner, the respondent shall consider and dispose the petitioner's representation in accordance with law and in terms of the amended G.O.Ms.No.18 dated 04.02.2019 within a period of six weeks from the date of receipt of a copy of this order.

4.This writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Director of Town and Country
Planning,
Municipal Corporation Complex,
Dr.Nanjappa Road, Coimbatore.

2.The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore District.

+1 cc to Mr.V.Raghavachari, Advocate, SR.NO.18285
+1 cc to Government Pleader, SR.NO.18587

W.P.No.10911 of 2016
and
M.P.No.9504 of 2016

GPL(CO)
NS(07/05/2021)

सत्यमेव जयते

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