



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

**W.P. (MD) No.4955 of 2021**

**and**

**W.M.P. (MD) Nos.4024 & 4025 of 2021**

K.Ganesan

.. Petitioner

Vs

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Tahsildar,  
Karaikudi Taluk,  
Sivagangai District.

3.Aranmanai Siruvayal Muslim Jamaath Nirvahasabai,  
represented by its Secretary,  
A.Mohamed Ali Jinnah,  
Aranmanai Siruvayal (Po),  
Karaikudi,  
Sivagangai District.

.. Respondents

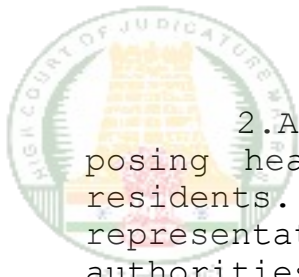
**PRAYER:**Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the 2<sup>nd</sup> respondent in Na.Ka.No.A1/705/2019 dated 15-04-2019 and to quash the same by directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to shift the graveyard in S.No.39/3, T.Siruvayal Village, Karaikudi Taluk, Sivagangai District.

For Petitioner : Mr.V.A.Dhana Aravindh Balaji for  
M/S.Dhana Law Associates

For R1 & R2 : Mr.C.Ramesh  
Special Government Pleader

**ORDER**

The petitioner herein is being aggrieved by the allocation of common burial ground adjoining to his residential property and therefore, he appears to have submitted a representation to the authorities concerned and the same was rejected vide impugned order dated 15.04.2019. Challenging the same, the petitioner is before this Court.



2. According to the petitioner, the burial ground has been posing health hazard and affecting the well being of the local residents. In that regard, the petitioner appears to have made a representation and the same has not evoked any response from the authorities concerned, therefore, he was before this Court in W.P. (MD) No.5945 of 2019 and while disposing of the matter, the petitioner was informed that a decision was taken to reject his representation and ultimately, the petitioner is before this Court challenging the order passed by the 2<sup>nd</sup> respondent, rejecting the request of the petitioner on the ground that the burial ground has been used for the last 150 years. According to the communication, in the neighboring village, there are about 150 Muslim families living and the vacant ground has been used all along for burial purpose and in that view of the matter, the request of the petitioner to shift the burial ground could not be acceded to.

3. The learned counsel appearing for the petitioner would vehemently reiterate the request of the petitioner and would submit that the location of the burial ground within the residential neighbourhood causes serious risk to the lives of the residents therein. This Court is unable to appreciate the objection of the petitioner for the reason that the burial ground has been in existence for the last 150 years, which fact has not been disputed by the learned counsel for the petitioner.

4. It can be presumed in the facts and circumstances of the case that the petitioner and other residents must have been relocated in the neighbourhood only in the recent past and having chosen to settle down in neighbourhood, it is not for the petitioner or any others in the village to raise any objection for the location of the burial ground in the area. More over, the averments in the affidavit are too sketchy and bald and on the basis of the self-serving averments of the petitioner, the impugned order is not liable to be interfered with, when an authority has clearly held that the burial ground has been in existence for burial of Muslim people, who are located in the village, for more than 150 years.

5. For the above said reasons, this writ petition cannot be entertained by this Court and accordingly, it stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Tahsildar,  
Karaikudi Taluk,  
Sivagangai District.

+1 CC to M/s.DHANA LAW ASSOCIATES, Advocate ( SR-10721[F] dated  
12/03/2021 )

+1 CC to M/s.SPL GP ( SR-10867[F] dated 12/03/2021 )

**W.P. (MD)No.4955 of 2021**  
**11.03.2021**

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