



WP.No.21989 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

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K.Krishnaraj

.. Petitioner

Versus

1.The District Collector
Coimbatore Coimbatore Distict

2.The Thasildar
Kinathukadavu Taluk Kinathukadavu
Coimbatore District

3.The Block Development
Officer Grama Panchayat Thasildar Office
Kinathukadavu Coimbatore District

4.The President
Devenampalayam Village Panchayat
Devanamapalayam Viollage Kinathukadavu
Coimbatore District

.. Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from setting any second burial site at the vacant land ad-measuring 2 cents



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comprised in S.No.70 and situated at Vaguthmpalayam Village, Devanampalayam Panchayat, Kinathumadaviu Taluk, Coimbatore District by considering the representation dated 14.07.2014.

For Petitioner : Mr.G.Rajan

For Respondents : Mr.Akila Rajendran
Government Advocate for R1 to R3
M/s.R.Rajendara Narasimha for R4

ORDER

This writ petition is filed forbearing the respondents from setting any second burial site at the vacant land ad-measuring 2 cents comprised in S.No.70 and situated at Vaguthmpalayam Village, Devanampalayam Panchayat, Kinathumadaviu Taluk, Coimbatore District by considering the representation dated 14.07.2014.

2. The case of the petitioner is that the petitioner is the absolute owner of the agricultural land in S.Nos.71,72,73,74,75A and 75B situated at Vaguthampalayam Village, Devanampalayam Panchayat, Kinathumadavu Taluk, Coimbatore District and he is doing agriculture in his land. The land in S.No70 is poromboke land and the same is utilized by the public for grazing cattle. This being the situation, the 4th respondent herein, without



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getting any approval from the respondents 1 to 3 and without following the mandatory procedures, proposed to set up the burial ground, for which, the petitioner has made a representation on 14.07.2014 to the respondents not to set up the burial ground in the proposed site and drop the same. Till date, the said representation was not considered by the respondents and hence, the present writ petition has been filed before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that this court may issue a suitable direction to the respondents to consider the petitioner's representation dated 14.07.2014 within the stipulated period as fixed by this Court.

4. Heard, the learned counsel for the petitioner as well as the learned counsel appearing for the Government and perused the materials available on record.

5. Considering the facts and circumstances of the case and



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considering the limited relief sought for by the petitioner, this Court directs the second respondent to consider the petitioner's representation dated 14.07.2014 and pass orders on merits and in accordance with law, after affording opportunity to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

20.06.2022

rli

Index:Yes/No

Internet:Yes/No

Speaking/Non speaking

To

1.The District Collector
Coimbatore Coimbatore Distict

2.The Thasildar
Kinathukadavu Taluk Kinathukadavu
Coimbatore District



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M.DHANDAPANI, J.

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