



W.P.No.26903 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE TMT. JUSTICE T.V.THAMILSELVI

W.P.No.26903 of 2022

A.Vigneshwari

.. Petitioner

VS.

- 1.The District Collector,
Office of the Collectorate,
Coimbatore District,
Coimbatore-600 018.
- 2.The Tahsildar,
Office of the Tahsildar,
Kinathukadavu, Coimbatore.
- 3.The Block Development Officer,
Block Development Office,
Kinathukadavu, Coimbatore.
- 4.The President,
Kondampatty Panchayat,
Kinathukadavu Union,
Coimbatore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to take necessary and immediate action against the objection dated 27.08.2022 and consequently forbearing the 4th respondent from establishing the electric graveyard in S.F.No.186, Thesipalayam, Kondampatty Panchayat, Coimbatore.



W.P.No.26903 of 2022

For Petitioner : Mr.J.Jayan

For Respondents : Mr.R.Anitha,
Special Government Pleader for R1 to R3

ORDER

(Order of the Court was made by D.Krishnakumar, J.)

The Writ Petition has been filed for a Mandamus directing the first respondent to take necessary and immediate action against the objection dated 27.08.2022 and consequently forbearing the fourth respondent from establishing the electric graveyard in S.F.No.186, Thesipalayam, Kondampatty Panchayat, Coimbatore.

2. The petitioner is a resident of Kondampatty Village and she is a practicing Advocate hailing from the said village and on behalf of the villagers, she made a representation to the District Collector / first respondent on 27.08.2022 stating that the fourth respondent Panchayat is taking steps to establish an electric graveyard in Kondampatty Panchayat, without taking note of the fact that in and around the said panchayat there are many temples, namely Arulmigu Puthooramman Temple, Arulmigu Nagar Nanjundeswarar Temple, Muttathurayar Temple, Arulmigu Mariamman Temple, Arulmigu Vinayagar Temple, Arulmigu Deepadevi Temple, Arulmigu Kamatchi Amman



W.P.No.26903 of 2022

Temple, Arulmigu Angalamman Temple, Arulmigu Maduraiveeran Temple and Pattatharasi Temple, Arulmigu Kalivaratharaja Perumal Temple including 10 ancestral temples and daily poojas are conducted regularly and they are under the control of Hindu Religious and Charitable Endowment Department.

3. While that being so, the fourth respondent has called for opinion from general public with regard to establishment of electric graveyard by conducting Grama Sabha meeting on 01.05.2022, in which more than 80 persons had participated and the proposal of the fourth respondent was read out to the general public and objections were raised by majority of participants, but the fourth respondent has made a false record as if resolution to accept the establish the grave yard was passed on 01.05.2022 and proceeded to the proposal of establishment of graveyard in the said locality and therefore, the petitioner has submitted the submitted a representation / objection dated 27.08.2022 on behalf of the villagers to the District Collector, Coimbatore to drop the proposal of putting up the electric graveyard and since, no action has been taken, the petitioner has filed the instant writ petition.



W.P.No.26903 of 2022

4. Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to 3 submitted that the representation / objection of the petitioner will be considered and appropriate decision would be taken in accordance with Law/Rules.

5. In view of the above submission made by the learned Special Government Pleader, this Court directs the first respondent to consider the representation/objection dated 27.08.2022 submitted by the petitioner on behalf of the villagers and after hearing the parties concerned, shall pass orders on merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above directions. No costs.

[D.K.K., J.] [T.V.T.S., J.]
03.11.2022

Index : Yes / No
Internet : Yes / No
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To



W.P.No.26903 of 2022

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D.KRISHNAKUMAR, J.,
AND



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W.P.No.26903 of 2022

T.V.THAMILSELVI, J.

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W.P.No.26903 of 2022

03.11.2022