



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD)No.3493 of 2022

D.Thainishraj

.. Petitioner

Vs.

1.The District Collector,
District Collector Office,
Thanjavur.

2.The superintendent of Police,
Thanjavur District,
Thanjavur.

3.The Tahsildar,
Tahsildar Office,
Thanjavur.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to take action against the persons who have altered the physical features of the burial ground by considering the petitioner's representation dated 17.10.2021 and further preventing them to create any new pathway through the burial ground in Survey no.339, Pillaiyarnatham Village, Thanjavur Taluk and Thanjavur District.

For Petitioner

: Mr.M.P.Senthil

For Respondents

: Mr.S.Saji Bino,SGP for RR1 to 3

ORDER

[Made by PARESH UPADHYAY, J.]

1. This petition is styled as public interest litigation.

2. The alleged encroachment / laying down water pipe - disturbing the burial ground of the group to which the petitioner belongs, is the subject-matter of this petition.

3. The reading of the prayer clause with averments in para : 4 of the petition makes it clear that, this petition suffers from the vice of non-joinder of necessary party. This petition therefore needs to be dismissed.



4. For the above reason, this writ petition is dismissed. Since even notice is not issued, we have restrained from imposing cost in the matter. Therefore no costs.

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Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

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To

1. The District Collector,
District Collector Office,
Thanjavur.

2.The superintendent of Police,
Thanjavur District,
Thanjavur.

3.The Tahsildar,
Tahsildar Office,
Thanjavur.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-9017[F] dated 28/02/2022)

+1 CC to M/s.SPL GP (SR-8690[F] dated 25/02/2022)

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MGJ(05.03.2022) 2P 6C