



W.P(MD)No.26267 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.26267 of 2019
and
WMP(MD)No.22679 of 2019

C.Sasikumar

... Petitioner

vs.

1. The District Collector,
Kanyakumari District,
At Nagercoil.

2. The District Health Officer,
Kanyakumari District,
At Nagercoil.

3. The Tamilnadu Pollution Control Board,
Rep by its District Environmental Engineer,
No.318/46A, Water Tank Road,
Nagercoil-629 001,
Kanyakumari District.

4. Thirpparappu Selection Grade Town Panchayat,
Rep by its Executive Officer,
Thirpparappu,
Kanyakumari District.

1/6



W.P(MD)No.26267 of 2019

WEB COPY

5. Church of St Antony,
Rep by its Parish Priest,
Rev Sudarson,
Nagacodu,
Kulasekaram Post,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from granting any licence or permission for the establishment of the burial ground by the 5th respondent in violation of Sections 278 and 279 of the Tamilnadu District Municipalities Act, 1920, and close the existing burial ground to an extent of 49 cents in Survey No.172/3, Thumbakode A Village, Thiruvattaru Taluk, Kanyakumari District, based on the petitioner's representation dated 22.10.2019 within the stipulated period by this Court.

For Petitioner	: Mr.Ananth C.Rajesh
For R1, R2 & R4	: Mr.P.Thilakkumar, Government Pleader
For R3	: Mr.Vijayakumari Natarajan
For R5	: Mr.S.Louis



W.P(MD)No.26267 of 2019

WEB COPY

ORDER

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

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from granting any licence or permission for the establishment of the burial ground by the 5th respondent in violation of Sections 278 and 279 of the Tamilnadu District Municipalities Act, 1920, and close the existing burial ground to an extent of 49 cents in Survey No.172/3, Thumbakode A Village, Thiruvattaru Taluk, Kanyakumari District, based on the petitioner's representation dated 22.10.2019 within the stipulated period by this Court.

2. Learned counsel for the 5th respondent has placed the proceedings of the 4th respondent in Na.Ka.No.563/19/A1 dated 10.08.2022, whereby the request of the 5th respondent for granting licence for the establishment of the burial ground in the aforesaid place has been rejected and the 5th respondent has also filed



W.P(MD)No.26267 of 2019

W.P(MD)No.19626 of 2022 before this Court challenging the said rejection order dated 10.08.2022. Therefore, he submitted that the prayer in this writ petition has become infructuous.

3. Recording the above submission, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]
13.12.2022

Index : Yes / No
Internet : Yes
bala

To

1. The District Collector,
Kanyakumari District,
At Nagercoil.

2. The District Health Officer,
Kanyakumari District,
At Nagercoil.

3. The Tamilnadu Pollution Control Board,
Rep by its District Environmental Engineer,

4/6



W.P(MD)No.26267 of 2019

WEB COPY

No.318/46A, Water Tank Road,
Nagercoil-629 001,
Kanyakumari District.

4. Thirpparappu Selection Grade Town Panchayat,
Rep by its Executive Officer,
Thirpparappu,
Kanyakumari District.



WEB COPY



W.P(MD)No.26267 of 2019

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

bala

ORDER MADE IN
W.P(MD)No.26267 of 2019
DATED : 13.12.2022