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W.P. No. 32580 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32580 of 2023

Palladam Andipandarathar Sangam,
Rep. by its Secretary,
M.Sadhasivam,
S/o. Muthuswamy,
D. No. 3/124, Kamarajar Colony,
K.N.S. Puram (Post), Palladam Taluk,
Tiruppur District – 641662.

... Petitioner

-VS-

1. The District Collector,
O/o. The District Collector,
Tiruppur District – 641604.
2. The Commissioner of Municipality,
Paladam,
Tiruppur District – 641664.
3. The Tahsildar,
Palladam Taluk,
Palladam,
Tiruppur District – 641664.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to take appropriate steps for the maintenance of the funeral ground in Survey No. 590, Palladam Taluk, Tiruppur District based on the representation dated 23.02.2023 made by the Petitioner.



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For Petitioner : Mr. K.Thilageswaran
For Respondents : Mr. M.Alagu Gowtham,
Government Advocate (for R1 & R3)
Mr. B.Anand (for R2)

ORDER

Heard Mr. K.Thilageswaran, Learned Counsel for the Petitioner, Mr. M.Alagu Gowtham, Learned Government Advocate appearing for the First and Third Respondent and Mr. B.Anand, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, which has been registered as a society under the Tamil Nadu Societies Registration Act, 1975, claims to espouse the cause of the Andipandaram community in Palladam locality of Tiruppur District, who have been allotted land for burial on 14.06.2011 in Survey No. 590 on the western side of Alangar Theater, which falls under the municipal limits of the Second Respondent, in furtherance to the order dated 23.08.2010 in W.P. No. 19222 of 2010 passed by this Court.



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3. The Petitioner claims to have made a representation dated 05.01.2023 followed by legal notice dated 22.03.2023 to the Second Respondent pointing out that the burial ground has not been properly maintained as it has no fencing or electricity facilities and has been misused by miscreants and anti-social elements as open toilet and for consuming alcohol and other unlawful activities, which also hinders the traditional observance of the death anniversaries and conduct of rituals at that place. Since it did not evoke any response, it has necessitated the filing of this Writ Petition.

4. In furtherance to the order dated 20.11.2023 passed by this Court, Learned Counsel appearing for the Second Respondent has filed memo dated 13.12.2023 in which it has been stated as follows:-

“2. This Respondent submits that the Municipality is maintaining the Funeral ground. The Petitioner has sent a representation dated 23.02.2023 to maintain the funeral ground. The Second Respondent has decided to remove the shrubs and bushes and fence the entire burial ground at the cost of two lakhs. The Second Respondent has decided to fence the burial ground in order to prevent the same from anti social



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elements. The Agenda will be placed in the next council meeting and resolution being passed Tender will be called for fencing the entire burial ground and the burial ground will be fenced.”

In view of the aforesaid action taken, nothing remains for further consideration in the Writ Petition, but it would not preclude the Petitioner, if it still has any further grievance, to work out its remedies before proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed on the aforesaid observations. No costs.

13.12.2023

kv

Index: Yes/No

NCS : Yes/No

Note: Issue order copy by 31.01.2024.

To

1. The District Collector,
O/o. The District Collector,
Tiruppur District – 641604.
2. The Commissioner of Municipality,
Paladam, Tiruppur District – 641664.



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3. The Tahsildar,
Palladam Taluk,
Palladam, Tiruppur District – 641664.

P.D. AUDIKESAVALU, J.

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