



W.P.(MD)No.19980 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19980 of 2020

and

W.M.P.(MD)No.16649 of 2020

Federation of Pentecostal Churches (FPC),
Through its General Secretary,
D.Kanagaraj, S/o.Dharmar,
107/D/1/C V.V.D. Road,
KCKS Colony , Thoothukudi.

... Petitioner

-VS-

- 1.The District Collector,
Thoothukudi District, Thoothukudi.
- 2.The Sub Collector,
Thoothukudi Sub Division, Thoothukudi.
- 3.The Municipal Corporation Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.
- 4.The Tahsildar,
Thoothukudi Taluk, Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the third respondent to respect and



W.P.(MD)No.19980 of 2020

act according to the Civil Court's decree in O.S.No.48 of 2002, on the file of the Additional District Munsif Court, Thoothukudi, dated 28.02.2003, and consequently, direct the third respondent not to remove the grave yard or put up any building within other than the building for exclusive users in terms of the said judgement in O.S.No.48 of 2002.

For Petitioner	:	Mr.K.Sathiya Singh
For R1, R2 and R4:		Mr.K.S.Selvaganesan Additional Government Pleader
For R3	:	Mr.N.Anandakumar Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the third respondent to act in accordance with the Civil Court's decree passed in O.S.No.48 of 2002 by the learned Additional District Munsif, Thoothukudi, dated 28.02.2003, and consequently, direct the third respondent not to remove the graveyard or put up any building in the subject property other than what has been provided in terms of the judgment in O.S.No.48 of 2002.



W.P.(MD)No.19980 of 2020

2. When the matter came up for hearing on 17.10.2023, this Court passed the following order:-

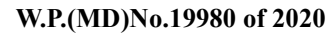
"When the matter was taken up for hearing today, the learned standing counsel appearing on behalf of the Thoothukudi Municipal Corporation submitted that the matter has been compromised between the parties. To substantiate the same, an understanding that was arrived at the meeting held on 22.07.2021 was placed before this Court. The learned counsel submitted that pursuant to this understanding, the writ petition was agreed to be withdrawn by the petitioner.

2. Per contra, the learned counsel for the petitioner submitted that the petitioner never agreed to withdraw this writ petition and therefore, wanted to argue the case on merits.

3. Post this case under the same caption on 07.11.2023."

3. The matter was posted under the caption "for orders" today in order to enable the learned counsel for the petitioner to take instructions from the petitioner.

4. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the Thoothukudi Municipal



உள்துறை அமைச்சர்

சுயம்பு தொண்டை வயிதனின் விவரம்

- Ex. 6. 6.11.10.1

<https://www.mhc.tn.gov.in/judis>



W.P.(MD)No.19980 of 2020

Science, Technology, Engineering and Mathematics [STEM] Park, is functioning there.

6. The learned counsel appearing on behalf of the petitioner submitted that 4 Acres of land, which was carved out, remains unsecured and hence, a request was made to the third respondent to put up fencing in the 4 Acres of land and this work is yet to be completed. The learned counsel for the petitioner submitted that if the fencing is not done, there is a possibility that others may also use this property for burying dead bodies.

7. The understanding that was reached by the petitioner and the third respondent does not deal with erecting any fencing. However, the said request made by the petitioner can be considered and a compound wall can be erected around 4 Acres of land, that has been retained by the petitioner. This process shall be completed as expeditiously as possible and not later than six months from the date of receipt of a copy of this order.



W.P.(MD)No.19980 of 2020

8. In the light of the above developments, no further orders are required to be passed in this Writ Petition and this Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
smn2

07.11.2023

To

- 1.The District Collector,
Thoothukudi District, Thoothukudi.
- 2.The Sub Collector,
Thoothukudi Sub Division, Thoothukudi.
- 3.The Municipal Corporation Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.
- 4.The Tahsildar,
Thoothukudi Taluk, Thoothukudi.



WEB COPY



W.P.(MD)No.19980 of 2020

N.ANAND VENKATESH, J.

smn2

**W.P.(MD)No.19980 of 2020
and
W.M.P.(MD)No.16649 of 2020**

07.11.2023