



WEB COPY



W.P.No.22887 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22887 of 2024

P.A.Jahabardeen
President
Masjithul Rahmath Pallivasal
North street, Sathanoor post,
Pazhaiyanur Panchayat
Thiruvarur District.

...Petitioner

Vs.

- 1.The District Collector
District Collectorate Office,
Thiruvarur District.
2. The District Revenue Officer
District Collectorate Office,
Thiruvarur District.
- 3.The Revenue Divisional Officer
Mannargudi
Thiruvarur District.
4. The Tahsildar
Kuthanallur
Thiruvarur District.



W.P.No.22887 of 2022.

5.The President
Pazhaiyanur Village Panchayat
Pazhaiyanur, Thiruvarur District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents particularly the 1st to 4th respondents to give a permission to utilise the petitioner's land in Old Survey Nos.190/13,14,15 and 16, New Survey No.T.S.No.212 to an extent of 0.49 cents at Sathanoor Village, Pazhaiyanur Panchayat, Thiruvarur District as Muslim burial ground under the guise of sanction/license given by the 5th respondent i.e., Pazhaiyanur Village Panchayat vide Resolution No.28/2022 dated 04.07.2022 and also the Resolution passed in the Gramsabha meeting dated 15.08.2022 as per TamilNadu Village Panchayats (Provision of Burial and Burning grounds) Rules, 1999 by also considering the representation dated 23.01.2024 sent by the petitioner.

For Petitioner : Mr. G.Mohammed Aseef

For Respondents 1 to 4 : Mr.S.J.Mohammed Sathick
Government Advocate

For Respondent No. 5 : Mr.P.Sathish
Additional Government Pleader

ORDER



W.P.No.22887 of 2024.

The petitioner herein seeks a direction to respondents 1 to 4 to give permission to petitioner to utilise the land in Old Survey No.190/13,14,15 and 16, New Survey No.T.S.No.212 with an extent of 0.49 cents situated in Sathanoor Village, Pazhaiyanur Panchayat, Thiruvarur District as a Muslim burial ground as per the license granted by the 5th respondent by considering his representation dated 23.01.2024.

2.According to the petitioner, the above mentioned land belongs to Masjithul Rahumath Pallivasal as per the document registered as Document No.567 of 1995 on the file of Sub-Registrar, Koothanallur. The 5th respondent also, by resolution dated 04.07.2022, granted permission to petitioner to utilise the above mentioned land as a Muslim burial ground. On the strength of the license granted by the 5th respondent, the petitioner submitted the representation to 3rd respondent on 23.01.2024 seeking his approval for utilisation of the above mentioned land as a Muslim burial ground. The same has not been considered. Aggrieved by the same, the petitioner is before this Court.



W.P.No.22887 of 2024.

3. The learned Government Advocate, who takes notice for the respondents 1 to 4 submitted that the representation of the petitioner will be considered on its' own merits and in accordance with law within a time fixed by this Court.

4. In view of the said position, without expressing any opinion on the merits of the claim made by the petitioner, this Court is inclined to issue a direction to 3rd respondent to consider the representation of the petitioner dated 23.01.2024 in the light of the resolution passed by the 5th respondent dated 04.07.2022 and pass orders on its' own merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.

5. With the above directions, this writ petition is disposed of. No costs.

12.08.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr



W.P.No.22887 of 2021.

- 1.The District Collector
District Collectorate Office,
Thiruvarur District.
2. The District Revenue Officer
District Collectorate Office,
Thiruvarur District.
- 3.The Revenue Divisional Officer
Mannargudi
Thiruvarur District.
4. The Tahsildar
Kuthanallur
Thiruvarur District.



WEB COPY



W.P.No.22887 of 2024.

S.SOUNTHAR, J.

nr

W.P No.22887 of 2024

12.08.2024