



W.P.(MD) No.3318 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM:

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

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Mohan @ Mohan Gandhi

... Petitioner

-VS-

1.The District Collector,
Office of the District Collectorate Building,
Trichy.

2.The Commissioner,
Trichy Corporation Office,
No.58, Bharathidasan Salai,
Cantonment,
Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from doing the renovation work of burial ground located at Ward No.57, Kuttimalai, Trichy based on the petitioner's representation dated 11.12.2023.

For Petitioner : Mr.R.Alagia Nambi



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For Respondents : Mr.P.Thilakkumar
Government Pleader for R1

Mr.K.R.Kishore Ram
for R.B. Law Associates for R2

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This *pro bono* litigation has been filed by the petitioner seeking a Writ of Mandamus, forbearing the respondents from doing the renovation work of burial ground located at Ward No.57, Kuttimalai, Trichy based on the petitioner's representation dated 11.12.2023.

2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself.

3. According to the petitioner, eventhough there is an electric cemetery within 1 k.m., the officials of the 2nd respondent are doing maintenance work in Kuttimalai Road Burial Ground, which is behind the residential area and causing pollution in that area. Hence, the petitioner made a representation to the respondents to take appropriate action to stop the work and since the same has not



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considered so far, the petitioner is constrained to approach this Court by filing the present Writ Petition.

4. It is admitted fact that the property in question is classified as a burial ground. Further, learned Standing Counsel for the 2nd respondent stated that the aforesaid maintenance work has already been completed.

5. Considering the undisputed fact that the property in question is classified as burial ground, this Court cannot interfere with the decision of the authorities to do maintenance work. Further, the maintenance work has already been completed and there is no element of public interest involved in this Writ Petition. Hence, the Writ Petition is liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. No costs.

[D.K.K., J.] [R.V., J.]
15.02.2024

Index : Yes / No
Internet : Yes / No
SJ



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

SJ

To

- 1.The District Collector,
Office of the District Collectorate Building,
Trichy.

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