



W.P.(MD)No.28311 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28311 of 2022
and
W.M.P.(MD).No.22368 of 2022

A.Gnanaselvam

... Petitioner

Vs

- 1.The District Collector,
Tirunelveli District, Kokkirakulam,
Tirunelveli.
- 2 .The Tahsildar,
Radhapuram Circle, Radhapuram,
Tirunelveli District.
- 3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 4.The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
- 5.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
- 6.Mrs.Esthar

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the impugned order dated 11.11.2022 made in Na.Ka.No.B2/100/2022 passed by the second respondent and quash the same with regard to burial process in the property of Roman Catholic Christians situated at Panagudi Main Road, Tirunelveli District, bearing Survey No.2537/1A measuring to an extent of 0.31.0 Hectares and consequently forbearing CSI Christians of the sixth respondent's group in using the said property as of their cemetery for burial process forthwith and thus render justice.

For Petitioner : Mr.S.Palani Velayutham

For R-1 to R-5 : Mr.B.Nambiselvan,
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the impugned order dated 11.11.2022 made in Na.Ka.No.B2/100/2022 passed by the second respondent and consequently, to forbear the sixth respondent's group for using the subject property.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the President of the Matha Church (Roman Catholic) Committee for several years and the sixth respondent's husband is the member of the Church. The sixth respondent's husband died and thereafter, the sixth respondent decided to bury the body in the Cemetery



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belonged to the Matha Church and the same was prevented by the petitioner. However, the matter was placed before the second respondent and the second respondent passed the impugned order dated 11.11.2022, directing the petitioner to permit the sixth respondent to bury the body of the deceased in the above said cemetery. He would further submit that already Second Appeal is pending before this Court with regard to the property of the Church.

3. The learned Additional Public Prosecutor appearing for the State would submit that already the body of the deceased was buried in the cemetery. Hence, nothing survives for further adjudication in this Writ Petition.

4. In view of the above, the Writ Petition stands closed. Liberty is granted to the petitioner to canvass all those points now raised in this petition, in the Second Appeal pending before this Court. Consequently, the connected miscellaneous petition is closed. No costs.

15.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

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Tirunelveli District.
- 3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 4.The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
- 5.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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