

W.P(MD)No.24892 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24892 of 2025

and

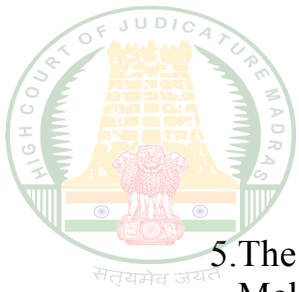
W.M.P(MD)No.19552 of 2025

Arputharaj

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Illupur,
Pudukkottai.
- 3.The Tahsildar,
Kulathur,
Pudukkottai District.
- 4.The Block Development Officer,
Kunnandarkoil Panchayat Union,
Kunnandarkoil Post,
Kulathur Taluk,
Pudukkottai District.



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5. The Secretary,
Melaputhuvayal Village Panchayat,
Keeranur Post,
Kulathur Taluk,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the documents pertaining to the impugned order passed by the fourth respondent vide Na.Ka.Thee4/562/25 dated 14.08.2025 and quash the same as illegal and directing the respondents to retain the order passed by the fourth respondent vide Na.Ka.Thee4/562/25 dated nil.07.2025 and consequently permit to the petitioner and his Church members to bury the dead bodies in S.No.203/3B, of Melapuduvayal Village, Kulathur Taluk, Pudukkottai District.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R.1 to R.3

Mr.S.Kameshwaran
Government Advocate
for R.4 & R.5

ORDER

Heard both sides.



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2.The question that has arisen for consideration is whether the petition mentioned land can be used as a cemetery. One Sahayamery filed W.P(MD)No.7426 of 2025 seeking to forbear the use of the said land as a cemetery. The writ petition was disposed of on 25.04.2025 in the following terms:

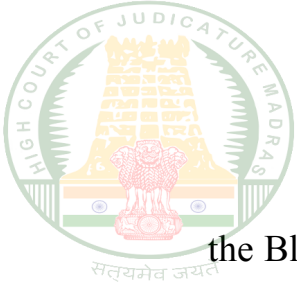
“4.Considering the submissions made on either side, this Court is inclined to pass the following order:

(i) The official respondents shall consider the application submitted by the respondents 7 to 11, in accordance with law.

(ii) Before passing any order, the official respondents shall afford a personal opportunity of hearing to the petitioner as well as respondents 7 to 11, and thereafter pass appropriate orders on merits and in accordance with law.

(iii) The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.”

3.Thereafter, the fourth respondent granted permission on 11.07.2025. Aggrieved by the same, O.S.No.47 of 2025 came to be filed by the said Sahayamery and others on the file of the District Munsif Court, Keeranur. Thereafter, it appears that the report was sought from



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the Block Development Officer by the District Collector. Thereupon, the Block Development Officer sent the impugned communication dated 14.08.2025 to the District Collector. After clarifying the antecedent facts, the communication concludes as follows:

“தற்சமயம் கல்லறைத் தோட்டம் அமைப்பதற்கு அனுமதி வழங்கப்பட்டதனை தொடர்ந்து பார்வை 6ல் கண்டுள்ளவாறு கீரனூர் மாவட்ட உரிமையியல் நீதிமன்றத்தில் வழக்கு எண்: O.S.No.47/2025 ன் – படி திருமதி.சகாயமேரி மற்றும் பலரால் வழக்கானது தோடுக்கப்பட்டுள்ளது. ஏனவே கல்லறைத் தோட்டம் அமைப்பதற்கு தொடர் எதிர்ப்பு வந்ததன் காரணமாக, கல்லறைத் தோட்டம் அமைப்பதற்கு பார்வை 5 – ல் காணும் கடிதத்தின்படி 11.07.2025 அன்று வழங்கப்பட்ட அனுமதியினை தற்காலிகமாக இரத்து செய்வது அல்லது அனுமதி வழங்குவது குறித்து அரசாணை எண்:213 ஊரக வளர்ச்சித்துறை நாள்:05.10.1999 பத்தி 5(3)(b)-ல் தெரிவித்துள்ளவாறு, தங்களின் பரிசீலனைக்கு இத்துடன் இணைத்து அனுப்பியுள்ளேன் என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன்.”

This communication is put to challenge in this writ petition.

4.As rightly pointed out by the learned Additional Government Pleader, the Block Development Officer has not taken any definite stand in the matter. He appears to have forwarded the proposal to the District



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Collector and nothing else. If at all, it is the District Collector who will have to take the final call. In the event that the District Collector proposes to take any adverse action, the writ petitioner would definitely be put on notice and without hearing the petitioner no decision will be taken. As on date, no cause of action has arisen for the writ petitioner to feel aggrieved.

5. With the aforesaid clarification and observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1. The District Collector,
Pudukkottai.
2. The Revenue Divisional Officer,
Illupur,
Pudukkottai.

5/6



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G.R.SWAMINATHAN, J.

MGA

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Pudukkottai District.

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Copy to

The District Munsif Court,
Keeranur.

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