



W.P(MD)No.19027 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19027 of 2026

and

W.M.P(MD)Nos.14068 & 14069 of 2026

1.Appasamy
2.Kathiresan
3.Indira
4.Pon Thivya

... Petitioners

Vs

1.The District Collector,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli.

3.The Block Development Officer,
Radhapuram, Tirunelveli.

4.The Village Administrative Officer,
Tanakarkulam,
Radhapuram Taluk, Tirunelveli.



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5.The President,
Sivasaubramaniyapuram Panchayat,
Thanakkarkulam Village,
Radhapuram Taluk,
Tirunelveli.

6.Dinesh Raja

7.Paulkani

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the burial of body of late.Thiraviyam Nadar, father of 6th respondent from S.No. 121/4, at Sivasubramaniyapuram Panchayat, Thanakkarkulam Village, Radhapuram Taluk, Tirunelveli District which was done in violation of the Tamil Nadu Village Panchayats (Provision of burial and burning grounds) Rules, 1999 based on the petitioner's representation dated 10.03.2026, in light of Full Bench order of this Court in W.A.No.1037 of 2023 vide order dated 20.07.2023.

For Petitioners : MrM.Subbiah

For Respondents : Mrs.K.R.Shiva Shankari (R1 to R4)
Counsel for State

ORDER

W.M.P(MD)No.14068 of 2026 filed seeking permission to file a single Writ Petition is ordered.



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2.This Writ Petition has been filed seeking the issuance of a Writ of Mandamus directing the respondents 1 to 5 to remove the mortal remains of late Thiraviyam Nadar, the father of the sixth respondent, which are alleged to have been buried in Survey No.121/4, situated at Sivasubramaniyapuram Panchayat, Thanakkarkulam Village, Radhapuram Taluk, Tirunelveli District, in violation of the provisions of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999, by considering the petitioner's representation dated 10.03.2026, in the light of the judgment of the Hon'ble Full Bench of this Court in W.A.No.1037 of 2023 (Jagadheeswari v. B. Babu Naidu), dated 20.07.2023.

3.The learned counsel appearing for the petitioner submitted that, owing to a property dispute between the parties, the private respondents had deliberately buried the body of late Thiraviyam Nadar in the patta land in question.



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4.The learned counsel for the petitioner further submitted that the burial conducted in close proximity to the petitioner's residence is ex facie illegal in view of the authoritative pronouncement of the Hon'ble Full Bench of this Court in ***Jagadheeswari v. B. Babu Naidu (W.A.No.1037 of 2023), dated 20.07.2023***, wherein it has been categorically held that burials cannot be carried out in places which are not duly licensed or registered under the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999. For better appreciation, the relevant portions of the said judgment are extracted below:

"32. The outcome of the above analysis of the Rules and case laws leads to the conclusion, that the condition of 90 meters restriction found in Rule 7(1) cannot be construed as right to bury body anywhere and everywhere. Burial or burning body is subject to the other provisions in the Rules. The conditions of distance restriction from the water body, cannot be read in isolation unmindful of the purpose of the Rules and other provisions thereunder.

33.

34. Moreover, after Rules, 1999 came into force, any burial in the place other than the place already registered or licensed as



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burial ground, goes in contravention to Rule 7(1). Any body buried in contravention to Rules 5 and 7 is liable to be exhumed and buried in the designated place. If such violation is brought to the notice of the authorities within a reasonable time and, despite notice, the person concerned fails to exhume the body for re-burial in the designated place, the competent authority is bound to exhume the body and recover the costs from the person responsible for the illegal burial. The exhumed body shall thereafter be buried in the designated place, keeping in view the requirements of public health. A person who deliberately violates the law and refuses to exhume the body cannot take advantage of the delay in enforcement and plead a fait accompli. Accordingly, the order of reference is answered in the negative."

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents. The materials available on record have also been perused.

6. Upon consideration of the submissions made and the materials placed on record, this Court finds that the issue is squarely covered by the judgment of the Hon'ble Full Bench of this Court in ***Jagadheeswari v. B.***

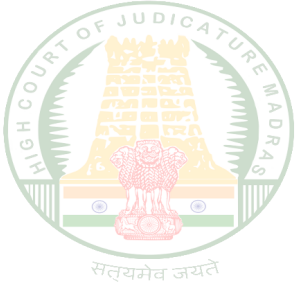


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Babu Naidu (W.A.No.1037 of 2023), dated 20.07.2023. The Full Bench has categorically held that, after the coming into force of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999, no burial can be made except in a duly licensed or registered burial ground and that any burial made in contravention of the statutory provisions is liable to be exhumed and re-buried in the designated burial ground by the competent authority.

7.In view of the above, the second respondent is directed to conduct a detailed enquiry, after affording an opportunity of hearing to all the parties concerned, and ascertain whether the body of late Thiraviyam Nadar has been buried in the patta land in violation of the provisions of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999. If such violation is found, the second respondent shall take appropriate steps, in accordance with law and in the light of the judgment of the Hon'ble Full Bench in Jagadheeswari v. B. Babu Naidu, to exhume the mortal remains and ensure their re-burial in the designated burial ground.



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The above exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected W.M.P(MD)No.14069 of 2026 is closed.

07.07.2026

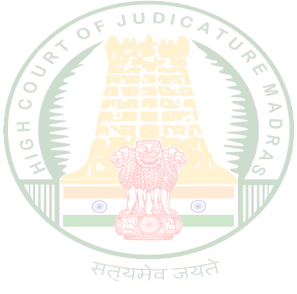
NCC : Yes / No
Index : Yes / No
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To

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M.DHANDAPANI, J.

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