

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3129 of 2014
and
M.P.Nos.1 and 3 of 2014

M/s.Saraswathi Engineering Constructions
Private Limited, rep.by its
Managing Director
Shri.P.Kandasamy

.. Petitioner

vs.

1. The District Collector
Tiruvannamalai District
Vengikkal, Tiruvannamalai.
2. The District Revenue Officer
Vengikkal, Tiruvannamalai.
3. The Revenue Divisional Officer
Cheyyar, Tiruvannamalai District.
4. The Tahsildar
Taluk Office, Cheyyar
Tiruvannamalai District.
5. The Sub Inspector of Police
Dusi Police Station
Tiruvannamalai District.

6. Sukumar
7. Parithapan @ Gnanasundaram
8. Ragothavan
9. Ambedkar

.. Respondents

RR6 to 9 impleaded as per order
dated 11.02.2014 by VDPJ in
M.P.No.2 of 2014 in W.P.No.3129 of 2014

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents herein to forthwith take action as per the

representations submitted by the petitioner dated 11.04.2013 by preventing the use of the patta lands of the petitioner comprised in S.Nos.7/1, 7/6, 1/1A1B, 1/1B1, 1/1B2, 1/3, 1/4 in Thalikkal Village Cheyyar Taluk, Tiruvannamalai District for burying the dead bodies and building cemeteries over it.

For Petitioner : Mrs.Radha Gopalan

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader
for RR1 to 5

RR6 to 9- No appearance

ORDER

Heard Mrs.Radha Gopalan, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing on behalf of respondents 1 to 5. Though the private respondents have been served and their names are also printed in the cause list, none appeared for the private respondents.

2. The prayer in the writ petition is for the issuance of a writ of mandamus to direct the respondents 1 to 5 herein to forthwith take action as per the representations submitted by the petitioner dated 11.04.2013 by preventing the use of their patta lands comprised in S.Nos.7/1, 7/6, 1/1A1B, 1/1B1, 1/1B2, 1/3, 1/4 in Thalikkal Village Cheyyar Taluk, Tiruvannamalai District for burying the dead bodies and building cemeteries over it.

3. The petitioner is a Private Limited Company, which is said to have purchased a vast extent of land in Thalikkal Village Cheyyar Taluk, Tiruvannamalai District by registered sale deeds executed in their favour during 2012-2013. The grievance of the petitioner is that though the petitioner's land is a patta land, the private respondents herein buried the dead bodies of their elders in the lands owned by the petitioner. Hence the present writ petition seeking the aforesaid relief.

4. The fact that the lands are patta lands, is not in dispute and from the counter affidavit filed by the Tahsildar, Cheyyar, it is seen that the lands are patta lands. Further more, it is seen that all the four bodies, which have been buried in the land has been buried only after the petitioner has purchased the aforesaid lands. Therefore, the facts clearly show that recently dead bodies have been buried in the said lands and it is not as if, it was utilised as burial ground earlier. This fact has not been denied by the Tahsildar, Cheyyar in his counter affidavit. It is further seen that

the petitioner has given an alternate site to an extent of 0.10.0 hectares or about 0.25 acres of land in survey No.7/1/B of Thallikal village, which has been classified as an Adi Dravida Burial Ground. In fact, in the counter affidavit, the Tahsildar, Cheyyar states that the land is very much available and the Adi Dravida community people have also given an undertaking that they will bury the dead bodies only in that land but in breach of their undertaking, they have buried the body of one Manoharan and the said body was exhumed from the petitioner's patta land. Further, it is stated that four FIRs have been registered in crime Nos. 596/12 dated 17.11.2012, 605/2012 dated 20.11.2012 and 395/2013 dated 28.11.2013 under Section 145 of the Criminal Procedure Code on the file of the Sub Inspector of Police, Dusi Police Station. Further it is submitted that peace committee was convened on 15.02.2013 wherein the Deputy Superintendent of Police, Cheyyar, Inspector of Police, Dusi police station, Sub Inspector of Police, Dusi Police Station and the President of the said Village panchayat were present and it is stated by the Tahsildar, Cheyyar that the Adi Dravida people agreed not to trespass petitioner's patta lands hereafter and the whole problem was solved and a solution was arrived in the meeting that separate area of land have to be acquired for the existing 63 families for the burial ground purposes. Further, it is stated that criminal cases are pending before the Executive Magistrate cum Revenue Divisional Officer, Cheyyar for enquiry.

5. In the light of the above, there will be a direction to the third respondent to proceed with enquiry initiated, in the presence of the petitioner, the private respondents as well as the fifth respondent and evolve an amicable solution to the problem and to prevent burial of dead bodies and building cemeteries over it, in the patta lands owned by the petitioner. The above direction shall be complied with by the third respondent within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

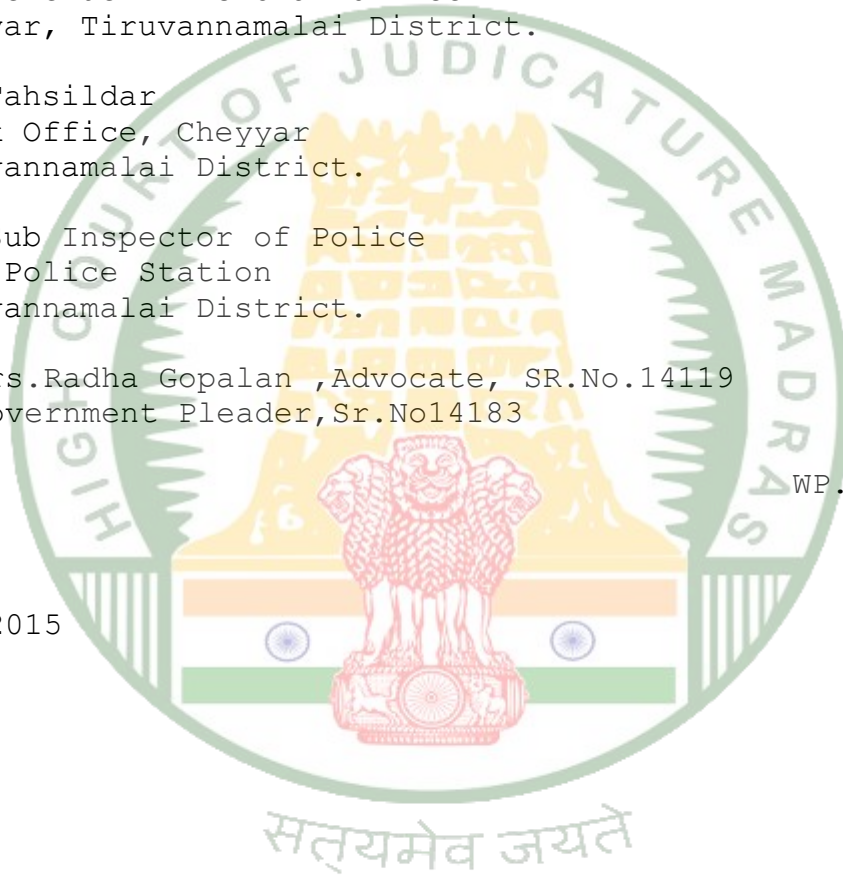
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To

1. The District Collector
Tiruvannamalai District
Vengikkal, Tiruvannamalai.
 2. The District Revenue Officer
Vengikkal, Tiruvannamalai.
 3. The Revenue Divisional Officer
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Taluk Office, Cheyyar
Tiruvannamalai District.
 5. The Sub Inspector of Police
Dusi Police Station
Tiruvannamalai District.
- 1 cc to Mrs.Radha Gopalan ,Advocate, SR.No.14119
1 cc to Government Pleader,Sr.No14183

ctk(co)
pmk.17.3.2015

WP.No.3129 of 2014



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