

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM:

THE HON 'BLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No.33455 of 2016

and W.M.P.No.28880 of 2016

N.Munuswami

... Petitioner

Versus

1. The District Collector, Krishnagiri District
2. The Sub-Collector, Hosur
3. The Tahsildar, Hosur
4. Parvathamma, President, Sandanapalli Panchayat
5. Madhesh
6. Thimmarayappa
7. Krishnan
8. Pappayya
9. Nagaraj

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to ensure that the respondents 4 to 9 do not enter the land in Survey No.415/2 in Sandanapalli Village, Denkanikottai Taluk, Krishnagiri District, for using the land as a burial ground of the dead bodies.

For Petitioner : Mr. M.V.Krishnan

For Respondents : Mr. R.S.Selvam,

Govt. Advocate, for R-1 to R-3.

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O R D E R

Heard Mr.M.V.Krishnan, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate for the respondents 1 to 3.

2. The petitioner's grievance is that the dead bodies are buried in his patta land and this has been brought to the notice of the official respondents (respondents 1 to 3) and it appears that the respondents have not taken any action.

3. The learned counsel for the petitioner would state that the Tamil Nadu Village Panchayat (Provisions of Burial Grounds) Rules, 1999, framed under the provisions of the Tamil Nadu Panchayat Act, 1994, provides that a Village Panchayat must provide, at its cost, places to be used as burial or burying ground and charge rents and fees for the use thereof. In this regard, Rule 3 of the said Rules was referred to. Further, the

petitioner's case is that, he has never sought for any registration from Sandanapalli Panchayat, to use the lands in Survey No.415/2 (which is claimed to be the petitioner's patta land) to be used as a burial ground and the petitioner claims to be using the land, by raising eucalyptus tress, rose plants and other trees. In this regard, the petitioner has made a representation, dated 30.06.2015, before the official respondents and the same is pending. The petitioner's further case is that the official respondents should take an immediate look into the matter, as often these types of problems would result in a local law and order situation and would be given a communal colour in the area.

4. In view of the above, there will be a direction to the second respondent to consider the petitioner's representation dated 30.06.2015 and conduct an enquiry, by issuing notice to the petitioner, respondents 4 to 9 and all others concerned and in the presence of the third respondent as well as the Inspector of Police of the concerned area, conduct a detailed enquiry, and pass appropriate orders, on merits and in accordance with law. The above direction shall be complied with, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected WMP is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

srk

To

1. The District Collector, Krishnagiri District
2. The Sub-Collector, Hosur
3. The Tahsildar, Hosur

+1 cc to M/s.M.V.Krishnan Advocate sr 54290

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