



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2017

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)No.1721 of 2011

and

MP(MD)No.1 of 2011

Deepa Jothi

: Petitioner

-vs-

1.The District Collector,
Trichirappalli District,
Trichirappalli.

2.The Assistant Director (Panchayat)
Collectorate Complex,
Trichirappalli.

3.The Palayapalayam Panchayat,
Represented by its President,
Palayapalayam Thuvarankurichi via.,
Manaparai Taluk,
Trichy District.

4.Manickam

: Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, to forbear the respondents from using the petitioner's land comprised in Survey No.314/1B, 86, Akkiyampatti Village, Vadugapatti, Palayapalayam Panchayat, Manaparai Taluk, Trichirappalli District, for burying or burning the dead corpse.

For Petitioner

: Mr.A.Rahul

For R1 and R2

: Mr.G.Muthukannan
Government Advocate

For R3 and R4

: No appearance

O R D E R

The prayer sought for in this writ petition is to forbear the respondents from using the petitioner's land comprised in Survey No.314/1B, 86, Akkiyampatti Village, Vadugapatti, Palayapalayam Panchayat, Manaparai Taluk, Trichirapalli District, for burying or burning the dead corpse.

2.The petitioner would claim that she belongs to SC community and the lands to an extent of 47 cents in Survey No.314/1B, 86, Akkiyampatti Village, Vadugapatti, Palayapalayam Panchayat, originally sold by her father-in-law Ponnai @ Solai and on 25.01.2011, she purchased the property through a registered sale deed.

3.The petitioner would alleged that few member of other dominated community, in her village, who are inimically disposed towards her husband, attempted to burry dead bodies in her patta lands. While so, the dead body of one Sevugan was buried in her land. Therefore, she sent a representation, dated 07.02.2011. Since no action has been taken so far , the present writ petition has been filed.

4.Heard Mr.A.Rahul, learned counsel for the petitioner and Mr.G.Muthukannan, learned Government Advocate for the respondents 1 and 2 and perused the materials available on record.

5.Considering the limited scope of the prayer sought for in this writ petition, without going into the merits of the case, this writ petition is disposed of with a direction to the first respondent to consider petitioner's representation, dated 07.02.2011 purely on merits and in accordance with law, after affording opportunity of hearing to the parties concerned, within a period of eight weeks from the date of receipt of the order copy. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To,

1.The District Collector, Trichirappalli District,
Trichirappalli.

2.The Assistant Director (Panchayat)
Collectorate Complex, Trichirappalli.

+One cc to M/s.A.Rahul, Advocate, SR.No.73694

+One cc to The Special Government Pleader, SR.No.73455

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