

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.3.2018

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE ABDUL QUDDHOSE

Writ Petition No.5183 of 2018

M.Eswari ...Petitioner

Vs

1.The District Collector, Tirupur District.

2.The Block Development Officer (Rural), Kundadam, Tirupur District.

3.The Tahsildar, Kangeyam Taluk, Kangeyam.

4.The Village Administrative Officer, Kangeyampalayam, Kangeyam Village, Tirupur District. ...Respondents

PRAYER : Writ Petition filed under Article 226 of The Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the encroachments in the road poramboke lying on the north of east to west panchayat road, comprised in Survey No.353, situated at Kadalakaatu Pudur, Kangeyampalayam Village, Kangeyam Taluk, Tirupur District by considering the petitioner's representation dated 02.2.2018.

For Petitioner : Mr.M.A.P.Thangavel

For Respondents : Mr.E.Manoharan, AGP

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed in public interest by the petitioner, who is the owner of agricultural land at Kadalakattu Pudur, Kangeyampalayam Village, Kangeyam Taluk, Tirupur District seeking orders on the respondent Authorities to remove the encroachments in the road poramboke comprised in survey No.353 of the aforesaid village.

2. It appears that the said survey number has been used by villagers as a burial ground for a long period of time. There is a pathway through the land.

3. It is submitted on behalf of the respondent Authorities that some villagers have been burying the dead bodies in the land comprised in the aforesaid survey number. However, the pathway is not obstructed, as the dead bodies are buried at a corner.

4. The third respondent sent a communication dated 08.3.2018 to the learned Additional Government Pleader. The learned Additional Government Pleader, on instructions, submits that steps are being taken to identify land, which can be segregated and used as a burial ground.

5. The communication sent by the third respondent dated 08.3.2018 is taken on record. In view of the said submission, the writ petition is disposed of by directing the respondent Authorities to identify and acquire land, if need be, by purchase, and put up a pathway around the land and to ensure that dead bodies are buried in an orderly way within the aforesaid land and that pathways and roads are not encroached. This observation is not to be construed as any finding of this Court on encroachment of pathways or roads. No costs.

RS

Sd/-
Assistant Registrar
/TRUE COPY/
Sub-Assistant Registrar

To:

- 1.The District Collector, Tirupur District.
- 2.The Block Development Officer (Rural), Kundadam, Tirupur District.
- 3.The Tahsildar, Kangeyam Taluk, Kangeyam.
- 4.The Village Administrative Officer, Kangeyampalayam, Kangeyam Village, Tirupur District.

+1CC to Mr.Ma.P.Thangavel, Advocate in SR.NO. 18895/18

+1 CC to Government Pleader Advocate SR.NO. 18143/18

W.P.No.5183 of 2018

VGI [CO]
MLT-27/03/2018