

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.03.2018
Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

W.P.No.8675 of 2017 and
W.M.P.No. 9503 of 2017

K.G.Kumar
Secretary,
Sri Paraveswarar Devasthanam
Swarnapettai, Walajapet,
Vellore District

... Petitioner

Vs.

1. The District Collector,
Vellore District, Vellore
2. The District Revenue officer,
Vellore District, Vellore
3. The Revenue Divisional Officer
Vellore District, Vellore.
4. The Tahsildar,
Walajapet Taluk,
Vellore District
5. The Block Development Officer,
Walajapet Panchayat Union,
Vellore District, Vellore
6. Ashokan
7. Selvi
8. Selvam

..Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus by directing the respondents 1 to 5 to remove the encroachment in Survey No.825 measuring 1.25 acres situated at Vannivedu Village, Walajapet Taluk, Vellore District, which is earmarked for burial ground and consequently direct the 4th and 5th respondents to take initiatives to put up fencing surrounding the burial ground to ensure that the burial ground to be remain as its original position as per the revenue record.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader for R1 to R5

Mr.V.Dhanapalan

M/s T.Fennwalter Assts. for R6 to R8

O R D E R

[Order of the Court was made by S.VAIDYANATHAN, J.]

The petitioner has come forward with this Writ Petition for removal of encroachment in Survey No.825 measuring an extent of 1.25 acres situated at Vannivedu Village, Walajapet Taluk, Vellore District, which is earmarked for burial ground and to direct the 4th and 5th Respondents to put up fencing surrounding the burial ground.

2. Earlier, when the matter was taken up for hearing, it was brought to the attention of this Court by Mr.A.N.Thambidurai, Special Government Pleader that several constructions have been made in the place earmarked for burial ground and that the Government is contemplating to allot an alternative site for burial ground to the very same extent of area. Subsequently, the official respondents, by way of a status report, stated that some extent of land was earmarked for burial ground. This Court was not satisfied to the extent of land mentioned by the learned counsel appearing for the official respondents and hence, stated that unless and until the same extent of land is allotted for burial ground, the request of Government would be rejected.

3. Thereafter, Mr.A.N.Thambidurai, learned special government pleader appearing for the respondents 1 to 5 produced a communication dated 31.10.2017, addressed by the Tahsildar, Walaja to the District Collector, Vellore, wherein, it is stated that the same extent of land has been identified. Subsequently, the District Collector, Vellore through his proceedings, dated 24.02.2018, stated that the said land is very near to the existing burial ground in Survey No.825/2. Even though the learned counsel for petitioner submit that the burial ground is far away from the existing place, viz., Survey No.825/2, it has been pointed out that the same has been identified by the Government and approximately, it is in the distance of 1 Km from the existing place, hence the petitioner was given time to inform this Court.

4. Today, Mr.Rajendiran, learned counsel appearing for the petitioner submitted that the parties are satisfied with the land allotted by the official Respondents for burial ground in the new place. It is also stated by the official respondents that the new place, which is earmarked for burial ground will be surrounded by a compound / fencing and that the authorities would ensure that no encroachment will be made in the new place identified for burial ground. The authorities must put a Permanent Board written in bold letters (both English and Tamil) on all four sides of compound wall that the place is meant for Burial Ground.

5. Recording the aforesaid submission of the learned counsel appearing for the petitioner and the learned Special Government Pleader for the Respondents 1 to 5, no further adjudication is required in this Writ Petition. However, with regard to the construction of house in Survey No.825/2, this Court permits the authorities to decide whether the place has been meant for those residents and whether the constructions made are according to the approved plan etc., and this Court do not traverse into those issues, as it is for the authorities to set the ball in motion by issuing notices to those who are residing in S.No.825/2, if there are no legal impediments.

With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The District Collector,
Vellore District, Vellore
2. The District Revenue officer,
Vellore District, Vellore
3. The Revenue Divisional Officer
Vellore District, Vellore.

4. The Tahsildar,
Walajapet Taluk,
Vellore District

5. The Block Development Officer,
Walajapet Panchayat Union,
Vellore District, Vellore

+1cc to M/s.Fennwalter Associates, Advocate, S.R.No.17004

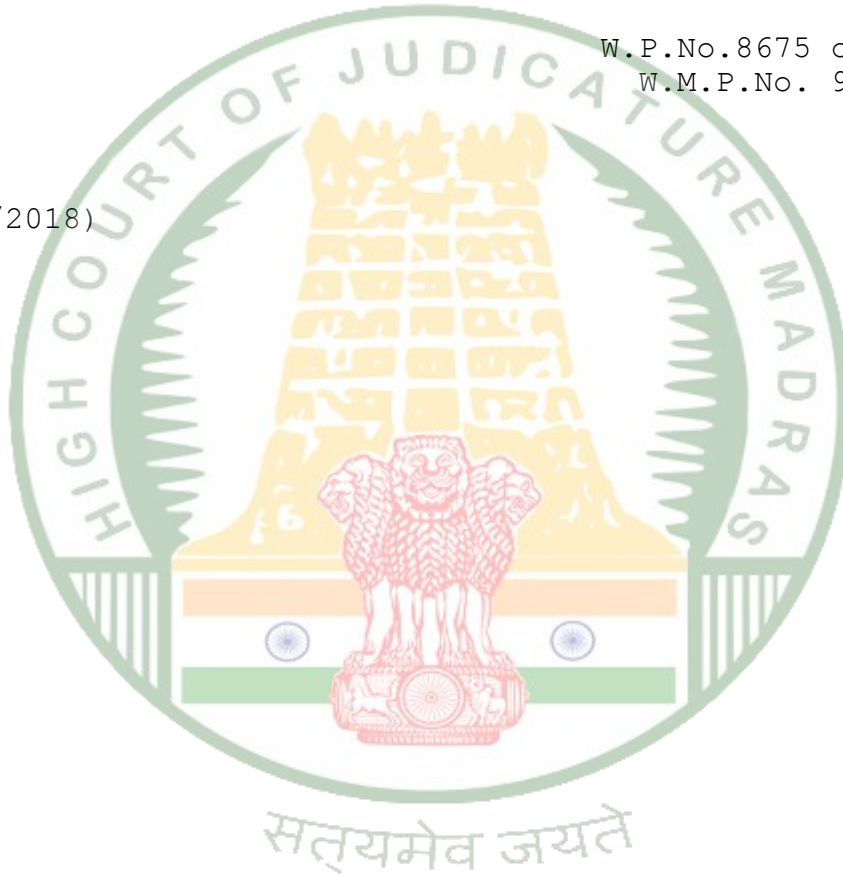
+1cc to Mr.M.Rajendran, Advocate, S.R.No.17854

+1cc to the Government Pleader, S.R.No.17424

W.P.No.8675 of 2017 and
W.M.P.No. 9503 of 2017

KGK (CO)

RRK (05/04/2018)



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