

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10887 of 2017
WMP.Nos.11830 and 11831 of 2016

Karatholuvu Muslim Jamath

... Petitioner

..Vs..

1.The District Collector,
Collectorate Buildings,
Tiruppur District.

2.The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.

3.Rajendran

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari calling for the entire records of the 2nd respondent made in his proceedings Na.Ka.No.3430/2015/A2 dated 04.08.2016 which was received by the petitioner only on 20.04.2017. and quash the same.

For Petitioner : Mr.N.Umapathi

For Respondents: Mrs.A.Sri Jayanthi

Special Government

Pleader

for R1 & R2

: Mr.D.R.Arunkumar - for R3

O R D E R

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The order passed by the Revenue Divisional Officer, Udumalpet, Tiruppur District in proceedings dated 04.08.2016, is under challenge in this Writ petition.

2. The grievances of the Writ petitioner is that he is a Muthavalli of Karuthozhuvu Muslim Jamath and around 75 families

are utilizing the property bearing S.No.590/A, Karatholuvu Village, Madathukulam Taluk, Tiruppur District to an extent of 1.25 acres as burial ground from time immemorial for the past 200 years. In the said land, the petitioner Jamath had removed the bushes for which compensation has been received by the Tahsildhar on 19.06.1987. However, the claim of the Writ petitioner in this regard has not been considered by the Revenue Divisional Officer and the same has been rejected.

3. The learned Special Government Pleader appearing for the official respondents relying on the counter affidavit filed by the 2nd respondent has stated that the Revenue Divisional Officer, Udumalpet, has issued orders in proceedings dated 04.08.2018, which is impugned in this writ petition, that the Tahsildhar, Madathukulam is directed to permit the Scheduled Caste people to use the land in S.No.590/A as burial ground till the judgment is pronounced in O.S.No.258/2016 filed in Udumalpet Munsif Court and in respect of the Muslim community people of that locality is concerned, they have to use the land in S.No.670/A2 (Part) which has been allotted to Kudwa palli ethuka as burial ground for Muslim people till the judgment is pronounced in the above said Civil Suit.

4. The Revenue Divisional Officer has further stated in his counter affidavit that the proceedings are subject to the further judgment of the Civil Court to be passed in O.S.No.258/2016. In view of the fact that separate burial grounds are allotted both to the Scheduled Caste community and to the Muslim people, the respective peoples of that locality are bound to follow the same till the conclusion of the civil litigation pending before the District Municipal Court, Udumalpet in O.S.No.258/2016.

5. This being an interim decision taken by the Revenue Divisional Officer, this Court is of an opinion that until the disputes are resolved before the competent Court of law, the respective parties are bound to follow the same in the interest of public and to avoid all further clashes between various communities and the competent authorities are bound to keep watch of the activities of various communities in respect of the burial of bodies and the places allotted to them respectively. Accordingly, the Scheduled Caste people of that locality is permitted to use the land in S.No.590/A as burial ground and the Muslim community people are permitted to use the land as burial ground in S.F.No.670/A2 (part) till the final orders to be passed in Civil Suit in O.S.No.258 of 2016.

6. In view of this arrangement, no further consideration is required in the writ petition. Accordingly, Writ the petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

sk/kkn

To

- 1.The District Collector,
Collectorate Buildings,
Tiruppur District.
- 2.The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.

+1cc to D.R.Arunkumar, Advocate Sr.57625
+1cc to the Government Pleader Sr.57878

W.P.No.10887 of 2017
WMP.No.11830 of 2016 and 11830 of 2016

सत्यमेव जयते

srg 6/9/2018

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