

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.33682 of 2013

and

MP.Nos.1 and 2 of 2013

1.G.Elumalai
2.M.Manikandan
3.S.Subramaniyan .. Petitioners

Versus

1.The District Collector/Inspector of Panchayat
Villupuram District,
Villupuram.
2.The Revenue Divisional Officer/Sub-Divisional Magistrate,
Kallakurichi Division, Kallakurichi,
Villupuram District.
3.The Thasildhar/Executive Magistrate,
Sankarapuram Taluk,
Villupuram District.
4.The Inspector of Police,
Rishivandhiyam Police Station,
Sankarapuram Taluk,
Villupuram District. .. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 3rd respondent to dispose the petitioner's representation dated 15.10.2013 in respect community burial ground in S.No.18/1 measuring 16 ½ cents at Muttiyam Village, Sankarapuram Taluk, Villupuram District expeditiously on merits.

For Petitioners : Mr.R.Kumaravel

For Respondents : Mr.N.Manikandan
Government Advocate

O R D E R

The prayer sought for in this writ petition is for a direction to the third respondent to dispose of the petitioners' representation dated 15.10.2013, in respect of

their community burial ground in S.No.18/1 measuring to an extent of 16 ½ cents at Muttiyam Village, Sankarapuram Taluk, Villupuram District.

2. The case of the petitioners is that a piece of land in S.No.18/1, measuring to an extent of 16 ½ cents in Muttiyam Village, is used to bury the dead bodies of the family members of the petitioners' community namely Potter (Kulala Community) Carpenter (Aasari) and Pandaram. The burial ground is being used by them for more than hundred years. While so, on 05.07.2013, when a dead body was taken to the burial ground, the other community people resisted them.

3. The further case of the petitioners is that there has been an encroachment on the pathway leading to the burial ground and hence the petitioners gave a representation on 15.10.2013, to remove the encroachment. Since no action was taken, the present writ petition.

4. Heard both sides and perused the material documents available on record.

5. The learned Government Advocate appearing for the respondents submitted that after receipt of the representation from the petitioners, the respondents have arranged an alternative route, to an extent of 8 feet pathway behind the Koothandavar temple, to reach the burial ground and there is no encroachment in the new pathway.

6. The learned counsel appearing for the petitioners submitted that the alternative place suggested by the respondents has been accepted by the petitioners, provided the respondents should not allow any encroachment in the new pathway.

7. Recording the above submissions, the respondents are hereby directed not to allow any encroachment by the third parties in the new route.

8. With the above observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The District Collector/Inspector of Panchayat
Villupuram District,
Villupuram.

2.The Revenue Divisional Officer/Sub-Divisional Magistrate,
Kallakurichi Division, Kallakurichi,
Villupuram District.

3.The Thasildhar/Executive Magistrate,
Sankarapuram Taluk,
Villupuram District.

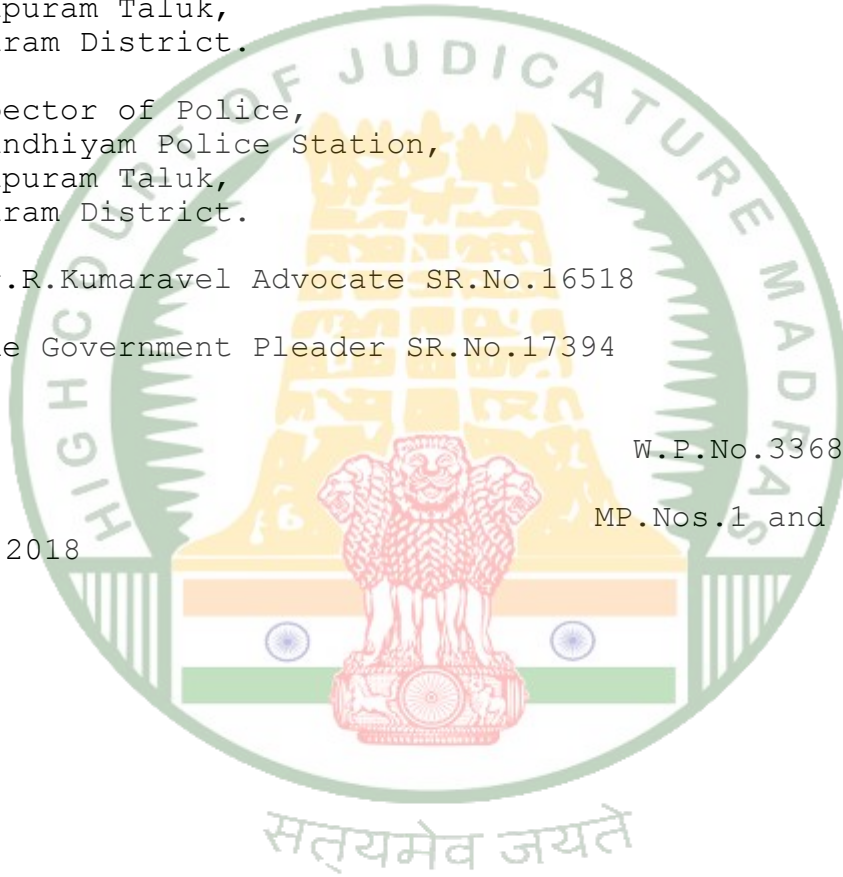
4.The Inspector of Police,
Rishivandhiyam Police Station,
Sankarapuram Taluk,
Villupuram District.

+1cc to Mr.R.Kumaravel Advocate SR.No.16518

+1cc to the Government Pleader SR.No.17394

SDR 26.03.2018

W.P.No.33682 of 2013
and
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