

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.27894 of 2018
and
W.M.P.Nos.32442
and 32444 of 2018

B.Kumaragurubaran

.. Petitioner

Vs

1.The District Collector,
Villupuram District,
Villupuram.

2.The Superintendent of Police,
Villupuram District.

3.The Deputy Superintendent of Police,
Kottakuppam Range,
Thiruchitrambalam Cross Road,
Vanur Taluk,
Villupuram District.

4.The Sub Collector,
Tindivanam.

5.The Inspector of Police,
Marakkanam Police Station,
Marakkanam.

6.The Tahsildhar,
Marakanam Taluk,
Villupuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from in any way removing or caused to be removed either by the respondents or at the instance of any other person or group the dead body of the petitioner's father buried in the property of the deceased petitioner's father in R.S.No.91/8 situated at M.Pudupakkam Village, Marakanam Taluk, Villupuram District and thereby give protection to the petitioner and his family to do

all the last rites to the deceased petitioner's father buried in the above said property in accordance.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.C.Raghavan,
Government Advocate (Crl. Side)

O R D E R

This petition is filed for issuance of a Writ of Mandamus, forbearing the respondents from in any way removing or caused to be removed either by the respondents or at the instance of any other person or group the dead body of the petitioner's father buried in the property of the deceased petitioner's father in R.S.No.91/8 situate at M.Pudupakkam Village, Marakanam Taluk, Villupuram District and thereby give protection to the petitioner and his family to do all the last rites to the deceased petitioner's father buried in the above said property.

2.It is the case of the petitioner that his father died on 13.10.2018 and that when he attempted to take his body to the burial ground through a road which passes through the Dalits' colony, the colony people objected to the carrying of the dead body and therefore, the petitioner has buried his father's body in his own patta land in R.S.No.91/8 at M.Pudupakkam Village. While so, that is being objected to by the Dalits on the ground that they have their temple within 20 feet from the place where the body has been buried. Therefore, they represented to the police and Revenue authorities for exhuming the body and bury it in the panchayat burial ground. In such circumstances, the petitioner has filed the present Writ Petition seeking the above reliefs.

3.Today, Mr.P.R.Michael Irudaya Raj, Inspector of Police, attached to Marakanam Police Station and Mr.M.Elumalai, Deputy Tahsildhar, Marakanam Taluk, Villupuram District are present before this Court.

4.On instructions, the learned Government Advocate (Crl. Side) submitted the photographs showing that the body has been buried in the patta land belonging to the petitioner, however, the same is hardly 20 feet away from the temple in which the Dalits worship.

5.Mr.N.Suresh, learned counsel for the petitioner submitted that the land in which the temple stands was also donated by the petitioner's father.

6.Be that as it may, relying on Rule 7 of the Tamil Nadu Village Panchayats (Provision of burial and burning grounds) Rules, 1999, the learned Government Advocate (Crl. Side) submitted that no corpse can be buried in any place within ninety metres of a dwelling place or source of drinking water supply other than the place licensed as a burial and burning ground. He further contended that on account of the act of the petitioner in burying the corpse very near the temple, an explosive situation is prevailing in the area, on account of which, communal conflagration appears imminent.

7.The learned Government Advocate (Crl. Side) also brought to the notice of this Court that a Peace Committee Meeting was conducted by the Sub-Collector, Dindivanam on 22.10.2018 in which members of the Dalit community, the petitioner and the members of his community participated and agreed that the body can be taken to the burial ground at Kaluvelli Poramboke through the road that passes through the Dalits' colony and that the said colony members will not object to the same.

In view of the above, nothing survives for adjudication in this Writ Petition and the petitioner is directed to remove the corpse and the police are directed to provide sufficient bandobust for the petitioner for burying the body in Kaluvelli Poramboke land. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The Superintendent of Police,
Villupuram District.
- 3.The Deputy Superintendent of Police,
Kottakuppam Range,
Thiruchitrambalam Cross Road,
Vanur Taluk,
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Marakkanam Police Station,
Marakkanam.

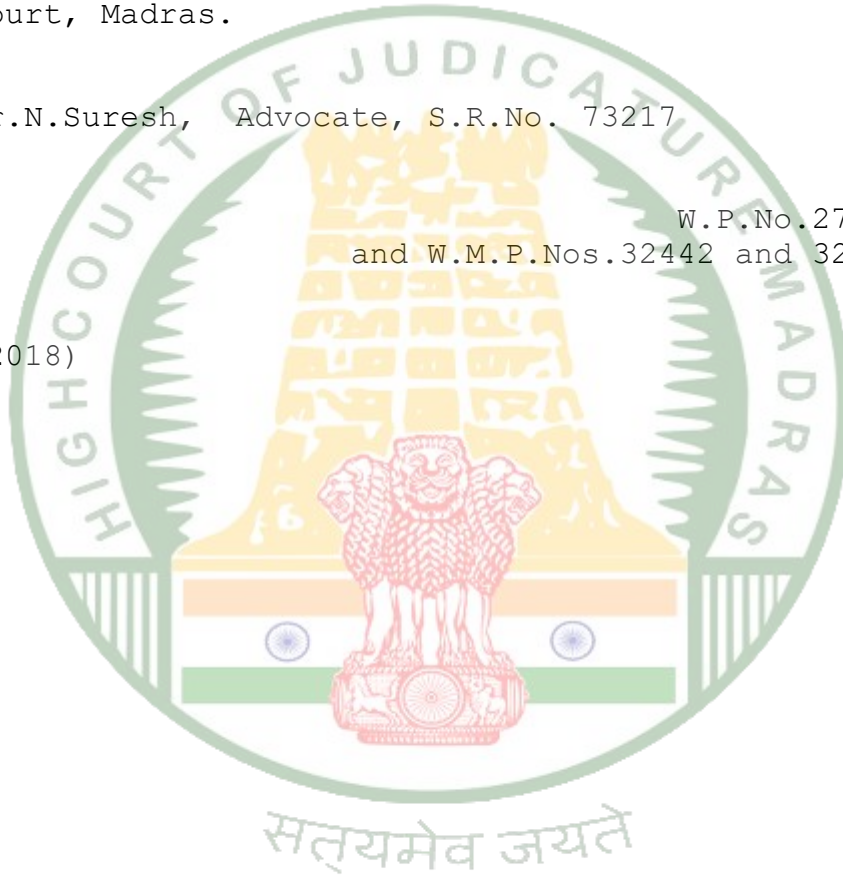
6.The Tahsildhar,
Marakanam Taluk,
Villupuram District.

7.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Suresh, Advocate, S.R.No. 73217

W.P.No.27894 of 2018
and W.M.P.Nos.32442 and 32444 of 2018

BR(CO)
GN(12/11/2018)



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