

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 05.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.17235 of 2017
and
W.M.P(MD)No.13798 of 2017

A.N.Tamilarasan

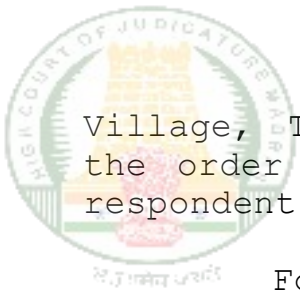
... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by
The Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George,
Chennai.
2. The District Collector,
Office of the District Collector,
Ramanathapuram District.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.
4. The Tahsildar,
Office of the Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records connected to the order in O.Mu.A6/17300/2016, dated 26.10.2016 on the file of the fourth respondent and the order in Letter in O.Mu.A6/18122/2016, dated 02.11.2016 on the file of the fourth respondent and quash them as illegal and consequently, direct the respondents 2, 3 and 4 to make necessary entries in the revenue records being maintained by the respondents regarding Vadugai and Poosarigal Mayanam/graveyard comprised in Survey No.198/1B situated at Sundarapandiyapattinam in Marunkur Revenue



Village, Thiruvadanai Taluk, Ramanthapuram District, based upon the order dated 18.05.1999 in O.Mu.2890/99 passed by the fourth respondent within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.C.M.Mari Chelliah Prabu
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.]

By consent, the writ petition is taken up for final disposal.

2. Mr.C.M.Mari Chelliah Prabu, learned Additional Government Pleader is appearing for the respondents.

3. This writ petition is styled as a Public Interest Litigation by a resident of Solaganpettai Village, Marunkur Group, Thiruvadanai Taluk, Ramanathapuram District, alleging that on account of the consistent need for separate graveyard, in the year 1998, the land in S.No.198/1 of the said village was bifurcated by way of sub-division as S.No.198/1B and the land admeasuring to an extent of 25 ares had been earmarked as "burial/cremation ground" for Vadukarina Poosarikal. According to the petitioner, the said land is used as burial ground for time immemorial, but to their shock and surprise, pattas were started to be given in respect of the said land and as a consequence, they have found it extremely difficult to bury the dead bodies and in this regard, the petitioner, on an earlier occasion, filed W.P(MD)Nos.20825 of 2013 and 2139 of 2014 for removal of encroachments and when the writ petitions were pending, it was reported by the respondents therein that there were no entries in the revenue records as to the classification of the land in S.No.198/1B as burial ground. The petitioner filed one more writ petition in W.P(MD)No.11186 of 2017 and it was dismissed with liberty to challenge the impugned orders and therefore, the present writ petition has been filed challenging the said orders.

4. The learned Counsel for the petitioner has invited the attention of this Court to the typed set of documents and would submit that as per the revenue records, the land in S.No.198/1B admeasuring to an extent of 25 ares is classified as "*Vadukarina Poosarikal Mayanam*" viz., burial ground and however, the said land has been now used as house sites, wherein there are very many ~~services~~ and therefore, the people belonging to that community find it difficulty to bury the dead bodies and hence, prays for appropriate orders.



5. Per contra, the learned Additional Government Pleader appearing for the respondents would submit that as per UDR Scheme, S.No.198/1B is classified as Natham site and in the revenue records, it is stated as "*Maraikayar Oorani* [water body] and Natham" and therefore, the points urged by the learned Counsel for the petitioner lacks merit and substance and prays for the dismissal of this writ petition.

6. It is the primordial submission of the learned Counsel for the petitioner that as per the earlier classification, the said land is classified as burial ground and according to the learned Additional Government Pleader appearing for the official respondents, as per UDR scheme, now, it is classified as 'Natham' site with specific indication as "*Maraikayar Oorani* [water body] and Natham".

7. In the light of the above facts and circumstances of the case, if the petitioner is so advised and if it is open to him under law, he is at liberty to challenge the re-classification of the said land in accordance with law before the competent forum.

8. Accordingly, this writ petition is disposed of as above. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
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Secretariat,
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Chennai.
2. The District Collector,
Office of the District Collector,
Ramanathapuram District.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram District,



4.The Tahsildar,
Office of the Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

+ 1 cc TO Mr.S.Malaikani , Advocate in SR No. 53049
+ 1 cc TO The Special Government Pleader in SR No. 53309

rsb
AE/KKR/SAR3/15.03.2018/4P/7C

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