

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.675 of 2018 and

W.M.P.No.846 of 2018

S.Kathalingam Venkatesan

.. Petitioner

Vs.

1.The District Collector,
Coimbatore District.

2.The District Revenue Officer,
District Revenue Office, Coimbatore.

3.The Tahsildar,
Annur Taluk Office, Annur,
Coimbatore District.

4.The Block Development Officer,
Sarkarsamakkulam Panchayat Union,
Coimbatore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents to prevent the miscreants from burying any dead bodies in survey No.470/1, Keeranatham Village, Annur Taluk, Coimbatore and restore the same to its original position as cart track by removing the carcasses.

For Petitioner : Mr.T.Saravanan

For Respondents: Mr.S.Kamalesh Kannan,
Government Advocate

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of mandamus directing the respondents to prevent the miscreants from burying any dead

bodies in Survey No.470/1, Keeranatham Village, Annur Taluk, Coimbatore and restore the same to its original position as cart track by removing the carcasses.

2.It is the case of the petitioner that in the land which is classified as pathway, burial and cremation of dead bodies are taking place and despite many requests given to the authorities, no action has been taken.

3.The 3rd respondent, the Tahsildar filed his counter wherein it is mentioned that in Keeranatham Village an extent of 0.22.0 hectares in S.F.No.470/1 is classified as "Cart Track" and that the residents of Bannari Amman Nagar are using a corner end of the land measuring an extent of 0.10 acres of Keeranatham Village as burial ground for the past three decades and would further add that Bannari Amman Nagar came into existence about 30 years ago and is located in S.F.No.473/5 of the same Village. Further, the 3rd respondent has stated that the burial ground is used by the people of a particular community and that near Valiampalayam Village, another burial ground is available measuring an extent of 0.54.0 hectares, which is classified as "Vaari Poramboke".

4.Mr.S.Kamalesh Kannan, learned Government Advocate appearing for the respondents submitted that even in the Village Records, the land measuring an extent of 0.04.20 hectares, is mentioned as a burial ground.

5.That apart, Keeranatham Panchayat also passed a resolution dated 26.01.2019 granting permission to continue to use the land as a burial ground. The villagers also submitted a statement to the Tahsildar stating that the land in Survey No.470/1 has been used as a burial ground for more than 40 years. Further, according to the 3rd respondent, Bannari Amman Nagar is located in S.F.No.473/5 of Keeranatham Village of Annur Taluk in Coimbatore District and after converting the classification of this land as "Natham" measuring an extent of 1.00.0 hectare, the landless poor were issued with patta.

6.When the authority himself has stated that a portion of the land in S.F.No.470/1 has been used as a burial ground for several decades and in the absence of any evidence produced by the petitioner to the effect that only a few bodies were buried in the said land, the case of the petitioner cannot be accepted.

In these circumstances, we are not inclined to grant the relief sought for in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

va

To

- 1.The District Collector,
Coimbatore District.
- 2.The District Revenue Officer,
District Revenue Office, Coimbatore.
- 3.The Tahsildar,
Annur Taluk Office, Annur,
Coimbatore District.
- 4.The Block Development Officer,
Sarkarsamakkulam Panchayat Union,
Coimbatore District.

+lcc to Mr.T.Saravanan, Advocate Sr.67674
+lcc to the Government Pleader Sr.68044

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srg 14/09/2019