

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.MANIKUMAR
AND
THE HONOURABLE Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.No.9478 of 2019

Chinnathambi

... Petitioner

Vs.

1. The District Collector,
Salem,
Salem District.
2. The Revenue Divisional Officer,
Mettur,
Salem District.
3. The Tashildar,
Mettur,
Salem District.

.... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents 1 to 3 in converting the S.No.132/6, 7, Nangavalli Village, Mettur Taluk, Salem District as burial ground and to direct the respondents to maintain the Adi-Dravidar Kuttai in S.No.132/6, 7, Nangavalli Village, Mettur Taluk, Salem District by considering the representation of the petitioner dated 07.02.2019.

For Petitioner : Mr.M.Arun

For Respondents : Mr.E.Manoharan

Additional Government Pleader

ORDER

(The Order of the Court was made by S.Manikumar, J.,)

Mr.Chinnathambi, has filed this writ petition contending inter alia that in S.No.132/6 an extent of 0.15.0 hectares and S.No.132/7 an extent of 0.03.5 hectares are classified as Adi-Dravidar Kuattai, in Nangavalli Village, Mettur Taluk. The petitioner has contended that he made a representation dated

07.02.2019 to the District Collector, Salem / 1st respondent, the Revenue Divisional Officer, Mettur, Salem District / 2nd respondent and the Tahsildar, Mettur, Salem District / 3rd respondent, respectively, stating that lands in S.No.132/6, described as Adi-Dravidar Kuttai should not be converted as Mayanam. Further contending that the said representation is unanswered, the petitioner has sought for a writ of mandamus, forbearing the respondents 1 to 3 in converting the S.Nos.132/6, 7, Nangavalli Village, Mettur Taluk, Salem District as burial ground and to direct the respondents to maintain Adi-Dravidar Kuttai in S.No.132/6, 7, Nangavalli Village, Mettur Taluk, Salem District, by considering his representation dated 07.02.2019.

2. Earlier on 29.03.2019, when the matter came up for hearing, we directed Mr.E.Manoharan, learned Additional Government Pleader to take notice on behalf of the respondents and obtain instructions.

3. Today, Mr.E.Manoharan, learned Additional Government Pleader has filed a counter affidavit dated 02.04.2019 of the Tahsildar, Mettur, Salem District stating that the proposal to convert the S.No.132/6, the Adi-Dravidar Kuttai as burial ground, has been dropped. Relevant paragraph Nos.5 to 6 of the counter affidavit filed by the Tahsildar, Mettur, Salem District are extracted hereunder :

" 5. The Public people of that area especially Scheduled Caste (Arunthathiar) are continuously pressing for the creation of Burial Ground for burying the dead bodies for their caste people in the nearby area. The people are burying the bodies in the side of the National Highways Mettur-Nangavalli road and because of that it severely affects the vehicles travelling in that area and in addition to that the National Highways extension work and bridge construction work is going on, the public in that area are facing hardship to bury the bodies. There is continuous road roko in that area if there was any death. So there is a urgent need to find a burial ground for them.

6. We have already planned to convert the S.No.143/3 which is classified as "Pathai" to Burial Ground. But that has been dropped due to the temple deity glorification ceremony which is done by other communities people. The S.No.143/5 land is a patta land where one Well is lying from where the people of the other communities are using it for the temple. As both the S.No areas are adjoining,

we were not able to convert that into burial ground.

7. One person named Thiru.Nachimuthu is having possession/encroached on the Adi Dravidar Kuttai land and we have issued notice to evict the above encroacher from the land. We are also searching other lands for the public for burial land in the nearby area and we are not going to convert the Adi Dravidar Kuttai land (S.No.132/6), as the water bodies are prohibited from being converted into any other purpose as enumerated made in several judgments delivered by Hon'ble High Court and Supreme Court. Further it is submitted that S.No.132/7 is classified as "Pathai" in village and taluk accounts."

4. The learned Government counsel submitted that after the filing of the writ petition, decision has been taken, and there is no need to issue any writ of mandamus, as prayed for.

5. Placing on record, the above submission, the writ petition stands closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Salem, Salem District.
2. The Revenue Divisional Officer,
Mettur, Salem District.
3. The Tashildar,
Mettur, Salem District.

+1cc to Mr.M.Arun, Advocate, S.R.No.32226
+1cc to the Government Pleader, S.R.No.32446

W.P.No.9478 of 2019

PP(CO)
CS/08/04/2019