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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2011

CORAM:

THE HONOURABLE MR.JUSTICE N.PAUL VASANTHAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.(MD).No.1452 of 2011

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai. : Petitioner

Vs.

- 1.The District Collector,
Madurai.
- 2.The Tahsildar,
Melur Taluk, Melur, Madurai District.
- 3.The Block Development Officer,
Melur Union Office,
Melur, Madurai District.
- 4.The President,
Thamaraipatti Panchayat, Thamaraipatti,
Melur Taluk, Madurai District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to take immediate steps for construction of a culvert or necessary arrangements or for the formation of a separate pathway to the cremation ground in Thamaraipatti Village, Melur Taluk, Madurai District so as to enable the general public to cross the irrigation tank during rainy season.

For Petitioner : Mr.S.S.Sundar
For Respondents 1 & 3 : Mr.R.Janakiramalu
Special Government Pleader

O R D E R

[Order of the Court was made BY N.PAUL VASANTHAKUMAR, J]

This Public Interest Litigation is taken at the instance of the Registrar (Judicial) of this Court based on a News Item reported in Tamil Daily "Dina Malar" issue dated 29.01.2011 stating that in Thamaraipatti Village, near Melur Taluk, Madurai District, 2500



people are residing and there is no approach road to the village and the villagers have to cross the water body (Kanmoi), even to go to cremation ground, i.e., villagers should carry the dead bodies through the water. One such instance is reported in the said news item showing that one Alagammal, aged 75 years, died and her dead body was taken to the cremation ground by her relatives through the water at shoulder level and photograph was also published.

2. Taking note of the said plight of the villagers, this Court, while entertaining the Writ Petition on 08.02.2011, directed the first respondent, the District Collector, Madurai, to personally inspect the spot and file a report.

3. Pursuant to the said direction issued by this Court, the District Collector filed a report on 14.02.2011 stating that he visited Tamaraipatti, H/o.Thumbapatti Village, Karungalakudi Firka, lying within the local limits of Kottampatti Panchayat Union, Melur Taluk, Madurai District, on 12.02.2011 along with officials of the Public Works Department, Revenue Department, Panchayat Development and Village Elders along with the fourth respondent herein.

4. According to the report, in the village, there are about 600 house - holds drawn from various communities, such as Moopanars, Kallars, Singhs, Naickers and Muslims residing. There are five grave-yards located for different communities. As per the customary practice, each village must have a grave - yard with adjoining tanks to facilitate washing of corpse as well as to perform funeral rites. The cartage decked with flowers usually carried through the bund to facilitate "Sudalaisuthu" rites adopted to propitiate the soul of the departed. The tank "Tamaraikulam" is located in an extent of 11.57.0 hectares of lands comprising S.No.490/2 of Thumbaipatti Village. The tank is vested with Public Works Department. It has an ayacut of 102.36 acres. The tank is drawing water from Periyar Main Canal in Periyar - Vaigai system. On the Western and eastern sides of the tank adjoining the tank bunds, grave - yards for different community people are located. On the eastern side of the tank, where the problem faced by the Villagers reported extensively in the press, the grave - yard is being used by Kallar, Singh and Naicker Community peoples to bury the dead body of the deceased. Muslim inhabitants used the said grave - yard to bury their brethren, whose death is not natural.

5. According to the report of the District Collector, the local enquiry reveals that on an average mortal remains of three or four persons hailing from the aforesaid communities have to be brought for burial in the said grave - yard. There are three more grave - yards located in the village catering to Moopanar community people. During non - rainy season, there will not be any problem to take the cartage on funeral and also to perform customary rites. The water stagnation is happening only in rainy season and there is a circuitous route to approach the site on the bund of the tank. A distance of about 1½ Kms are to be travelled to reach the grave - yards. Hence, the people of the said village are suffering due to water stagnation for a period



of four months in a year. On the eastern side, a weir is located to drain the water and construction of a platform over the weir will solve the problems of the village.

6. The report of the District Collector further proceeds to say that the District Collector personally inspected the place along with the officials of the Public Works Department, Executive Engineer, Tahsildar and Block Development Officer and directed the Public Works Department Authorities to prepare an estimate immediately to take up the work in right earnest so that the work could be completed before the on - set of South - West Monsoon period. It is further stated that the Executive Engineer, Public Works Department, prepared an estimate for a sum of Rs.9.90 lakhs and has given assurance that the work will be carried out on war-foot-basis and will be completed before the on - set of South - West Monsoon. The District Collector stating the above facts in the report, has prayed for disposal of the Writ Petition by recording the same.

7. The learned Special Government Pleader appearing for the respondents, today, produced a report sent by the Executive Engineer, Public Works Department to the District Collector dated 18.02.2011. In the said report, it is also stated that the estimate for constructing platform over the weir is Rs.9.90 Lakhs. The construction materials are stored and the construction work will be carried out on war-foot-basis and will be completed by the end of March 2011. The estimate as well as plan for the proposed construction are also produced before us.

8. In view of the said action taken by the District Collector, pursuant to the direction issued by this Court on 08.02.2011, the Writ Petition is disposed of with the following directions and observations;

- The assurance given by the District Collector in the report filed on 14.02.2011 as well as the communication sent by the Executive Engineer, Public Works Department, (Water Resources Organization), Periyar Main Canal Division, Melur Taluk, Madurai District, dated 18.02.2011 are recorded.
- The respondents are directed to complete the construction work before the end of March 2011, as assured in the letter of the Executive Engineer, dated 18.02.2011 and see that the people of the said village get proper approach road to reach the burial ground.
- We appreciate the Press for bringing the pitiable plight of the said Villagers to the attention of this Court, which is now seriously taken care of by the Government Officials.
- We also appreciate the District Collector, Madurai, for his swift action to redress the grievance of the villagers, which they are facing for the last 63 years, after independence, without dragging on the matter by taking unnecessary adjournments.
- The Registry is directed to post this Writ Petition for reporting compliance on 18.04.2011.

No costs.

Sd/-

Assistant Registrar(CO)

Sub Assistant Registrar



To

1.The District Collector,
Madurai.

2.The Tahsildar,
Melur Taluk, Melur,
Madurai District.

3.The Block Development Officer,
Melur Union Office,
Melur, Madurai District.

4.The President,
Thamaraipatti Panchayat, Thamaraipatti,
Melur Taluk, Madurai District.

+1cc to Mr.S.S.Sundar, Advocate, Sr.No.9612

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ssk/15.03.2011 /6c -4p/-

ORDER MADE IN
W.P. (MD) .No.1452 of 2011

22.02.2011