



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.09.2019
CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and**

THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition (MD).No.19635 of 2019

A.M.Abdul Khader

... Petitioner

Vs.

1.The District Collector,'
Sivagangai District, Sivagangai.

2.The District Revenue Officer,
Sivagangai District, Sivagangai.

3.The Revenue Divisional Officer,
Ram Nagar,
Devakottai Division,
Devakottai, Sivagangai District.

4.The Block Development Officer,
Kannakudi Block, Sivagangai District.

5.The Assistant Director of Panchayat,
Sivagangai District, Sivagangai.

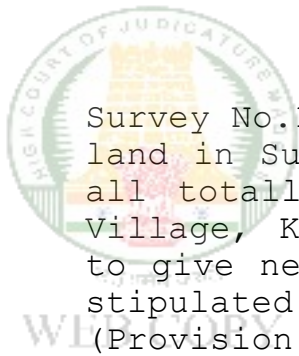
6.The Tahsildar,
Devakottai Taluk,
Devakottai, Sivagangai District.

7.The Village Administrative Officer,
Kappalur Group,
Kappalur, Devakottai Taluk,
Sivagangai District.

8.Vadakilkudi Tawheed Jamad,
rep., by its Present Chairperson
Nainamohamed

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 7 herein to consider and pass appropriate orders on petitioner's representation dated 27.07.2019 sent for the purpose of reclassification of land from Punjai to Mayanam relating to lands in



Survey No.125/9D, Patta No.1257 of an extent of 7 cents and adjacent land in Survey No.125/9C, Patta No.728 of an extent of 10 cents in all totalling to 17 cents situate at Kalapam @ Kalapam Sabavayal Village, Kappalur Group, Devakottai Taluk, Sivagangai District and to give necessary license for using the land as a burial ground as stipulated I the Rules of the Tamil Nadu Village Panchayats (Provision of burial and burning grounds Rules 1999.

For Petitioner : Mr.A.Saravanan
For Respondents : Mr.A.K.Baskarapandian
(for R1 to R3 & R5 to R7)
Special Government Pleader
Mr.Muthukumar (for R8)
Mr.J.Gunaselan Muthiah (for R4)
Additional Government Pleader

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

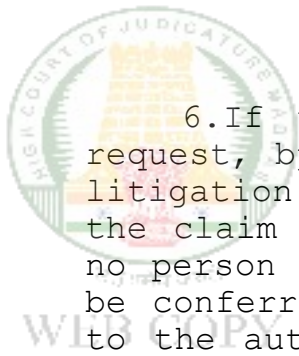
Heard Mr.A.Saravanan, learned counsel for the petitioner, Mr.A.K.Baskarapandian, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3 and 5 to 7, Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader who accepts notice on behalf of the fourth respondent and Mr.S.Muthukumar, learned counsel who accepts notice on behalf of the eighth respondent.

2.With consent of both sides, this writ petition is taken up for final disposed at the admission stage itself.

3.This writ petition has been filed praying for a direction upon the respondents 1 to 7 to consider the representation dated 27.07.2019 and reclassify the land to an extent of 7 cents and adjacent land to an extent of 10 cents, which are classified as 'Punja land', to Mayanam (burial ground) comprised in Survey No.125/9D and Survey No.125/9C situated at Kalapam @ Kalapam Sabavayal Village, Kappalur Group, Devakottai Taluk, Sivagangai District.

4.According to the petitioner, the Jamad, namely, the eighth respondent is also conveyed his consent and a resolution has been passed by the Jamad Committee on 09.06.2017. A copy of the resolution has been placed before this Court by the counsel, who had accepted the notice for the eighth respondent.

5.The learned Additional Government Pleader appearing for the fourth respondent submitted that already there is a burial ground with the vast extent, which serves the need of local population who belong the Muslim community and the present land is the punja land and it is surrounded by houses.



6.If that is the case, the authority, without rejecting the request, by keeping the request is pending, which is now generating litigation and this writ petition has been filed. The genuinity of the claim of the petitioner has also been explained. Furthermore, no person has got vested right to stay with the particular land to be conferred into burial ground. Therefore, we leave the decision to the authorities to take appropriate action. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,'
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2.The District Revenue Officer,
Sivagangai District, Sivagangai.

3.The Revenue Divisional Officer,
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Sivagangai District, Sivagangai.

6.The Tahsildar,
Devakottai Taluk,
Devakottai, Sivagangai District.

7.The Village Administrative Officer,
Kappalur Group,
Kappalur, Devakottai Tauk,
Sivagangai District.

+1 CC to Spl.GP (SR-86568[F] dated 13/09/2019)

+1 CC to Mr.S. MUTHUKUMAR, Advocate (SR-86772[F] dated 16/09/2019)

+1 CC to Mr.A.SARAVANAN, Advocate (SR-86773[F] dated 16/09/2019)

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rmk

MK (03.10.2019) 3P 11C

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