

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2229 of 2013
and
M.P.Nos.1 & 2 of 2013
(Heard through VC)

Poongavanam

... Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Maduranthagam,
Kancheepuram District.
3. The Tahsildar,
Maduranthagam Taluk,
Kancheepuram District.
4. The Inspector of Police,
Maduranthagam Police Station,
Kancheepuram District.
5. Muthu
6. Jayaraman

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 4 herein to remove the ashes and bones of the dead body of Rani, mother of respondent No.5, which is buried in the petitioner's agricultural land in 2 Survey Nos.690/2 and 695/1 in Sathanur Village, 137, Maduranthagam Taluk, Kancheepuram District.

For Petitioner : Mr.A.Murugavel

For RR1 to 4 : Mr.M.D.Ilayaraja
Government Advocate

For R6 : Mr.Y.Deva Arul Prakash

For R5 : Served - No appearance

O R D E R

The prayer sought for in this writ petition is for a direction to the respondents 2 to 4 herein to remove the ashes and bones of the dead body of Rani, mother of the respondent Nos.5 and 6, which is buried in petitioner's agricultural land in two Survey Nos.690/2 and 695/1 in Sathanur Village, 137, Maduranthagam Taluk, Kancheepuram District.

2. The petitioner had purchased the property as early as on 01.02.2008 and also produced patta for the same along with the sale deed. The petitioner had given a representation dated 06.12.2012 to the first respondent-District Collector complaining that the body of the said Rani was buried in their land by the sons of the deceased Rani. Another representation was also given to the third respondent-Tahsildar, Maduranthagam. But, till now, no action has been taken by the authorities concerned. Hence, the petitioner is constrained to file this writ petition.

3. In the counter affidavit filed on behalf of the third respondent-Tahsildar, it is stated that the petitioner had purchased the property in S.No.695/1 from one K.Susila. The burial ground is situate in S.No.694, which is adjacent to petitioner's patta land. The respondents also attempted to fence the said survey number and called the villagers for a Peace Committee Meeting. In the Peace Committee Meeting also it was decided that S.No.694 will be used as a burial ground, which is on the eastern side of petitioner's land and the same will be covered by fencing on all the four sides. However, as the petitioner had raised paddy crops, which was due for harvest, the same could not be done.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. After a passage of more than eight years, now the relief sought for by the petitioner to remove the ashes and bones from the land is not possible and the harvest is also done on the land by the petitioner. In such circumstances, to maintain peace in the locality, the third respondent-Tahsildar, Maduranthagam is directed to survey the land in S.No.694 allotted for the purpose of burial ground and raise a compound wall to avoid any such incidents in future affecting the sentiments of the neighbouring owners of the property. The said act of raising the compound wall should be done within a period of three months

from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Maduranthagam,
Kancheepuram District.
3. The Tahsildar,
Maduranthagam Taluk,
Kancheepuram District.
4. The Inspector of Police,
Maduranthagam Police Station,
Kancheepuram District.

+1cc to Mr.R.S.Mohan, Advocate, sr no.35489
+1cc to The Government Pleader, sr no.35459

W.P.No.2229 of 2013
and

M.P.Nos.1 & 2 of 2013

CP (CO)
RMP (02/12/2020)

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