

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.14205 of 2020
(Heard Through VC)

K.S.Kumarasamy

..Petitioner

Vs.

1. The District Collector,
District Collector Office,
Erode - 638 011.

2. Kathirvel,
Revenue Inspector,
Perundurai (Taluk),
Erode District.

3. Rathnasamy,
Village Administrative Office,
Senapuram Panchayat,
Perundurai (Taluk),
Erode District

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to take appropriate action upon petitioner's representation dated 25.08.2020 and to take action against the respondents 2 and 3.

For Petitioner :Mr.N.Chinnaraj

For Respondent-1:Mr.R.S.Selvam

Govt.Advocate.

ORDER

The petitioner has come up with this writ petition seeking a direction to the respondents to take appropriate action on his representation dated 25.08.2020 and to take action against the respondents 2 and 3.

2. It is the case of the petitioner that he owned agricultural land in Survey No.100/3A, measuring about Acre 0.39 cent in Aayagounder Village, Perundurai, Erode District. On 22.08.2020, at about 5.30.p.m, 6 persons tried to bury the suspected body in the above said agricultural land. When the

petitioner informed about the above said incident to the respondents 2 and 3, they arrived to the place of occurrence. Even though the petitioner has raised his objection, they illegally buried the suspected dead body in the petitioner's own agricultural land with the support of the above said Government Officials. Therefore, the petitioner had sent a representation on 25.08.2020 to the first respondent through RPAD and the same was received by the first respondent. But, the first respondent did not take any effective steps to consider his representation. Hence, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the first respondent and perused the materials available on record.

4. A counter affidavit has been filed by the first respondent, the District collector, wherein, in paragraph 6, it has been categorically stated as follows:

"...In the instant case, the body of the dead woman was buried in such a manner that only her head portion is lying in the patta land situated in R.S.No.100/3A of Ayegoundampalayam and other portions of her body is lying in the aforementioned salai (road) government poromboke at Seenapuram Village, Perundurai Taluk. It has been ascertained that this fault had taken place due to the ignorance and innocence of the people who had gathered during the incident, who happen to the mostly illiterate persons. At that time, neither surveying the field nor demarcation of boundaries could be carried out in a precise manner. The writ petitioner belongs to Caste Hindu Community and the persons related to the deceased woman belong to Scheduled Caste community. Hence the Second respondent (Revenue Inspector) and Village Administrative Officer could not be in a position to arrive at a sudden decision at the situation prevailing then was very tense and volatile. The writ petitioner himself has admitted in para 3 of the affidavit that about 200 people related to the deceased woman congregated there."

5. As admittedly, the Revenue Inspector as well as the Village Administrative Officer/respondents 2 and 3 herein were present at time of burial of the suspected dead body in the petitioner's land and they were unable to take a decision for

the reasons stated above, they have allowed the body to be buried partially in the petitioner's land. Admittedly, neither the burial ground nor the petitioner's land have fencing. Hence, it will be appropriate to direct the respondents to fence the burial ground, which is lying in R.S.No.196, to avoid any future confusion.

6. The petitioner has only sought for a direction in the nature of writ to the first respondent to take appropriate action against the respondents 2 and 3. It is open to the first respondent/the District Collector to initiate appropriate action against the respondents 2 and 3 and advise them not to take any urgent call in such sensitive issue.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn/asr

To

1. The District Collector,
District Collector Office,
Erode - 638 011.

+1 cc to The Government Pleader, Sr.No. 34097
+1 cc to M/s.N.Chinnaraj, Advocate Sr.No. 34331

W.P.No.14205 of 2020

RLD(CO)
RMP(05/11/2020)

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