



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

**W.P. (MD) No.4014 of 2020
and
W.M.P. (MD) No.3405 of 2020**

H.Ahamed Yaseen

... Petitioner

-VS-

1.The District Collector
Trichy District
Trichy

2.The Revenue Divisional Officer
Thuraiyur
Trichy District

3.The Tahsildar
Thuraiyur Taluk
Trichy District

4.The Assistant Divisional Engineer
Highways Department
(Construction and Maintenance)
Thuraiyur Taluk
Trichy District

5.Kanikkan @ Kanikkasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to exhume and remove the buried corpse and tombs in Survey No.257 at Pagalavadi Village, Thuraiyur Taluk, Trichy District and further direct the respondents 1 to 4 to prevent fifth respondent and his men from burying of corpse in the said Survey Number in future in the light of provisions of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999.



For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader for R1 to R4

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O R D E R

[Order of the Court was made by M.DURAISWAMY, J.]

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents 1 to 4 to exhume and remove the buried corpses and tombs from the land comprised in Survey No.257, at Pagalavadi Village, Thuraiyur Taluk, Trichy District and further directing the respondents 1 to 4 to prevent the fifth respondent and his men from burying corpses in the said Survey Number in future in the light of the provisions of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999.

2. On a perusal of the materials available on record, it could be seen that the petitioner had already filed a writ petition in W.P.(MD) No.17313 of 2017 for the very same relief and the Honourable Division of this Court, by order dated 30.11.2018, disposed of the said writ petition by directing the official respondents to consider the petitioner's representation dated 25.07.2017 and after affording opportunity to the fifth respondent herein, pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of the order. The Honourable Division Bench further observed that if it is found that there is an encroachment as alleged by the petitioner, the same shall be removed.

3. Pursuant to the orders passed in the abovesaid writ petition, the petitioner also filed a contempt petition in Cont.P.(MD) No.281 of 2019 and the Honourable Division Bench of this Court, by order dated 24.04.2019, closed the contempt petition observing that there is no encroachment in the land comprised in Survey No.257 as alleged by the petitioner.

4. Now, the petitioner has again filed the writ petition seeking for removal of the buried corpses and tombs from the land comprised in Survey No.257 stating that the fifth respondent has made encroachment.

5. When the Honourable Division Bench of this Court has closed the contempt petition in Cont.P.(MD) No.281 of 2019 stating that there is no encroachment in the land comprised in Survey No.257, the prayer sought for in the present writ petition cannot be



granted. The petitioner cannot be allowed to file writ petition one after another for the very same relief, which was negated by the Honourable Division Bench of this Court. In such view of the matter, we are not inclined to entertain the writ petition.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Revenue Divisional Officer,
Thuraiyur, Trichy District.
- 3.The Tahsildar,
Thuraiyur Taluk, Trichy District.
- 4.The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance),
Thuraiyur Taluk, Trichy District.

+1 CC to M/s.Special Govt.Pleader (SR-9105[F] dated 28/02/2020)

W.P. (MD) No.4014 of 2020

and

W.M.P. (MD) No.3405 of 2020

27.02.2020

krk

SDS (10.03.2020) 3P-6C