



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.09.2020

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THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.11752 of 2020

Chellam @ Chellammal

...Petitioner

Vs

1.The District Collector,
District Collector Office,
Pudukkottai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Ilupur Post,
Ilupur Taluk,
Pudukkottai District.

3.The Tahsildar,
Tahsildar Office,
Viralimalai,
Viralimalai Taluk,
Pudukkottai District.

4.Palanichamy

5.Kumaresan

6.Chinnakunju

...Respondents

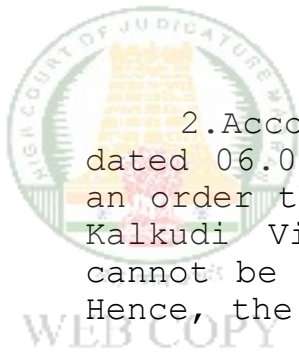
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to consider the representation of the petitioner dated 06-08-2020.

For Petitioner : M/s.A.Banumathy

For R1 to R3 : Mr.M.Pandiarajan
Additional Government Pleader

ORDER

This Writ Petition is filed to direct the respondents 1 to 3 to consider the representation of the petitioner dated 06.08.2020.



2. According to the petitioner, though she made a representation dated 06.08.2020 to the respondents 1 to 3 requesting them to pass an order that except the land in S.Nos.169/14 and 156/1 situated at Kalkudi Village, the petitioner's land and other adjacent land cannot be used as burial ground, so far no action has been taken. Hence, the petitioner is before this Court.

3. In reply, the learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, would submit that after receiving the reports, which has to be submitted by the Land Surveyor as well as the Revenue Inspector, by way of surveying the petition mentioned property and conducting an enquiry, the petitioner's representation dated 06.08.2020, would be considered on merits and in accordance with law, within a time frame to be fixed by this Court. In this regard, he has produced a copy of the proceedings of the 3rd respondent in Na.Ka.No.(A1) 2617/2020 dated 15.09.2020.

4. Having regard to the limited scope of the prayer made by the petitioner and in view of the submission made by the learned Additional Government Pleader, this Court, without expressing any opinion on the merits of the petitioner's case, is inclined to pass the following directions:-

i) the 3rd respondent / the Tahsildar, Tahsildar Office, Viralimalai, Viralimalai Taluk, Pudukkottai District, is directed to survey the subject matter of the property, by considering the petitioner's representation dated 06.08.2020, after affording due opportunity of hearing to the petitioner as well as the rival parties, if any.

ii) if there is any objection from the rival parties to survey the subject matter of the property, the 3rd respondent is directed to conduct an enquiry and communicate the decision of the same to the parties concerned;

iii) the aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order;

5. This Writ Petition is disposed of, with the above directions. No costs.

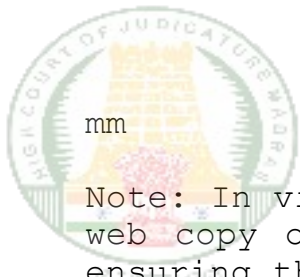
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
District Collector Office,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Ilupur Post,
Ilupur Taluk,
Pudukkottai District.
- 3.The Tahsildar,
Tahsildar Office,
Viralimalai,
Viralimalai Taluk,
Pudukkottai District.

+1 CC to SPL GP (SR-17304[F] dated 17/09/2020)

W.P. (MD) No.11752 of 2020
16.09.2020

VB (06.10.2020) 3P 5C