



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.08.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.15262 of 2019

Paulmasilamani

...Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Adi Dravidar Welfare Officer,
Office of the District Adi Dravidar Welfare Officer,
Collectorate Campus,
Tirunelveli.

3.The Tahsildar,
Office of the Taluk Office,
Sankarankovil Taluk,
Tirunelveli District.

4.The Tahsildar,
Office of the Taluk Office,
Tiruvengadam Taluk,
Tirunelveli District.

5.The District Collector,
Tenkasi.

...Respondents

(R5 suo motu impleaded vide Court order dated 6.8.2020 in WP(MD) No.15262 of 2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to take immediate action for providing alternative route / pathway to carry on the dead bodies of P.Alangulam villagers, on the basis of the petitioner representation dated 04/06/2019, within the time stipulated by this Court.

For Petitioner : Mr.V.Selva

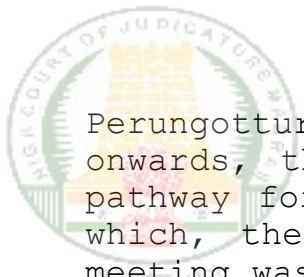
For Respondents : Mr.R.Sethuraman

Special Government Pleader

ORDER

This writ petition is filed to direct the respondents to take immediate action for providing alternative route / pathway to carry on the dead bodies of P.Alangulam villagers.

2.According to the petitioner, he is the owner of the land in S.No.532/29 B, measuring to an extent of 5.50 ares, situated at <https://hcservices.ecourts.gov.in/hcservices/>



Perungottur, Tiruvengadam Taluk, Tirunelveli District. From 2014 onwards, the villagers of P.Alangulam, used the aforesaid land as pathway for carrying on the dead bodies to the burial ground, for which, the petitioner had raised objection and a peace committee meeting was conducted by the 3rd respondent.

WEB COPY

3. After conducting the peace committee meeting, the 3rd respondent had issued a proceedings in Na.Ka.No.A2/101/2014 dated 11.12.2014, wherein, it had been stated that the 2nd respondent / the District Adi Dravidar Welfare Officer, Office of the District Adi Dravidar Welfare Officer, Collectorate Campus, Tirunelveli, would make necessary arrangements for providing alternative pathway to the villagers for carrying on the dead bodies to the burial ground.

4. The learned counsel appearing for the petitioner would submit that without following the directions issued by the 3rd respondent dated 11.12.2014, the 2nd respondent has not taken any steps so far. Hence, the petitioner made a representation dated 04.06.2019 to the respondents to take necessary action for providing alternative route / pathway to the villagers for carrying on the dead bodies to the burial ground. So far, no action has been taken and the same is pending till now. Hence, the petitioner has filed the present writ petition for the relief stated supra.

5. The learned Special Government Pleader appearing for the respondents would submit that there is some difficulty to acquire the land for providing alternative pathway to the villagers for carrying on the dead bodies to the burial ground. He would further submit that now the Tirunelveli District has been bifurcated into two districts and the jurisdiction of the petitioner comes under the Tenkasi District. Therefore, the petitioner may approach the District Collector, Tenkasi to seek his remedy. For the purpose of directing the District Collector, Tenkasi, this Court *suo motu* impleads the District Collector, Tenkasi, as 5th respondent.

6. Considering the facts and circumstances of the case and in view of the arguments advanced on either side, this Court is inclined to pass the following directions:-

i) the petitioner is directed to make a fresh representation along with a copy of the representation dated 04.06.2019 and a copy of this order to the 5th respondent to workout his remedy, within a period of three weeks from the date of receipt of a copy of this order;

ii) on receipt of such representation, the 5th respondent is directed to consider the same and take suitable decisions in accordance with law, within a period of six months therefrom, after providing an opportunity of hearing to the petitioner and the interested parties, if any;



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

Sd/-

Assistant Registrar (AD II)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Tirunelveli District,
Tirunelveli.
 2. The District Adi Dravidar Welfare Officer,
Office of the District Adi Dravidar Welfare Officer,
Collectorate Campus,
Tirunelveli.
 3. The Tahsildar,
Office of the Taluk Office,
Sankarankovil Taluk,
Tirunelveli District.
 4. The Tahsildar,
Office of the Taluk Office,
Tiruvengadam Taluk,
Tirunelveli District.
 5. The District Collector,
Tenkasi.
- +1 CC to M/s.GP (SR-13896[F] dated 12/08/2020)

W.P. (MD) No.15262 of 2019

06.08.2020

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<https://hcservices.ecourts.gov.in/hcservices/>