



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.107 of 2013
and
M.P.No.1 of 2013

J.Selvam

... Petitioner

-Vs-

1. The District Collector,
O/o. The Collector,
Tiruvannamalai District,
at Tiruvannamalai.
2. The Director of Panchayat,
O/o. The Director of Panchayat,
Chennai.
3. The Tahsildar,
Taluk Office,
Chengam Taluk,
Tiruvannamalai District,
4. The Block Development Officer,
Pudupalayam,
Chengam Taluk,
Tiruvannamalai District.
5. The President,
Vadamathur Village,
Vadamathur Post,
Chengam Taluk,
Tiruvannamalai District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from putting up or constructing the burial ground in the petitioner's land at Punjai Survey No.44/4B to an extent of 0.91.5 acres or 2.15 acres of land and Punjai Survey No.42/1D to an extent of 0.25 cents of land at Vadamathur Village, Chengam Taluk,



Tiruvannamalai District.

For Petitioner : No appearance

For Respondents

For R1 to R3 : Mr.R.Neelakandan
Government Advocate

For R4 & R5 : No appearance

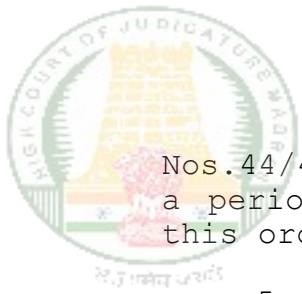
ORDER

The Writ Petition has been filed to forbear the respondents from putting up or constructing the burial ground in the petitioner's land at Punjai Survey No.44/4B to an extent of 0.91.5 acres or 2.15 acres of land and Punjai Survey No.42/1D to an extent of 0.25 cents of land at Vadamathur Village, Chengam Taluk, Tiruvannamalai District.

2. The case of the petitioner is that by the settlement deed executed by his father vide registered document No.3180 of 2004, the petitioner has become absolute owner of the suit properties. On the strength of the settlement deed, the petitioner applied for mutation of revenue records such as, Patta, Chitta and Adangal and all the revenue records mutated in favour of the petitioner. While being so, the fifth respondent herein passed resolution for conversion of certain piece of proamboke land was chosen for burial ground and to build up a burial basement for burring the dead bodies. However some of the villagers objected the same and insisted to form the burial ground in the land belongs to the petitioner. Therefore, the petitioner submitted his representation on 22.10.2012 to the first respondent and the same was duly received by him. Even then, the first respondent did not take any action on the representation submitted by the petitioner. Therefore, the petitioner filed this present Writ Petition with the above said prayer.

3. Heard Mr.R.Neelakandan, learned Government Advocate appearing for the respondents 1 to 3. No one is appeared on behalf of the petitioner and the respondents 4 & 5.

4. Considering the above facts and circumstances, this Court directs the first respondent to conduct detailed enquiry on the representation dated 22.10.2012 in this regard, after issuance of notice to the respondents 4 & 5 and also to the petitioner, after affording opportunity of hearing to the parties concerned and pass orders, in respect of putting up the burial ground in the land owned by the petitioner in Survey



Nos.44/4B & 42/1D, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order, if not already disposed of.

5. With the above directions, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

rts

To

1. The District Collector,
O/o. The Collector,
Tiruvannamalai District,
at Tiruvannamalai.
2. The Director of Panchayat,
O/o. The Director of Panchayat,
Chennai.
3. The Tahsildar,
Taluk Office,
Chengam Taluk,
Tiruvannamalai District,
4. The Block Development Officer,
Pudupalayam, Chengam Taluk,
Tiruvannamalai District.
5. The President,
Vadamathur Village,
Vadamathur Post, Chengam Taluk,
Tiruvannamalai District.

+1cc to the Government Pleader, S.R.No.39446

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and M.P.No.1 of 2013

KSM(CO)
SU(06/09/2021)