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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.20082 OF 2016

M.Krishnamoorthi

...Petitioner

Vs

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Fort St. George, Chennai - 600 009.
2. The Principal Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai - 600 009.
3. The Commissioner,
Adi-Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk, Chennai- 600 005.
4. The District Collector,
District Collectorate,
Villupuram, PIN-605 602.
5. The District Adi-Dravidar and
Tribal Welfare Officer,
Collectorate, Villupuram - 605 602.
6. The President,
Paadhur Village Panchayat,
Ulunthurpet Taluk,
Villupuram District.
7. The Block Development Officer (SCHEME),
Thirunavalur, Kallakurichi District.

... Respondents

(R7 Suo Motu impleaded vide order dated 29/9/2021 in
W.P.No.20082/2016)

PRAYER: Writ Petition filed Under Article 226 of the
Constitution of India, to issue a Writ of Mandamus, directing
the respondent Nos. 4 to 6 to take immediate steps to provide
provision of pathways to the burial ground in Survey No.174/3B



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for the Dalits of Kalpaadhur Village with basic facilities such as water, electricity and a cremation shed, based on the representation dated 13.02.2016.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.K.M.D.Muhilan
Government Advocate
(for R1 to R7)

ORDER

The relief sought for in the present writ petition is to direct the respondents 4 to 6 to take immediate steps, to provide provision of pathways to the burial ground in Survey No.174/3B for the Dalits of Kalpaadhur Village with basic facilities such as water, electricity and a cremation shed, based on the representation dated 13.02.2016.

2. The learned Government Counsel for the respondent made a submission that considering the representation all steps are taken to provide burial ground along with the facilities, in view of the fact that burial ground already exists in the said place.

3. The Block Development Officer also informed that for the construction of cremation shed in Kalpadhur Colony Rs.4 Lakhs has been sanctioned under the 15th Central Finance Commission Grant (District Panchayat 2020-21). The work could not be started as there is no pathway to Burial Ground and Construction materials could not reach the site.

4. This being the difficulty raised by the Block Development Officer, Thirunavalur Panchayat Union/ impleaded 7th respondent, this Court of the opinion that all necessary actions are to be initiated for providing pathway to reach the Burial Ground. The status report filed by the Tahsildar Adi Dravidar Welfare Ulundurpet Taluk also reveals that he had personally inspected the site on 30.09.2021 and observed that it is necessary to provide road facility and for that remaining 1 Km land has to be acquired from private land owners. In view of the fact that said owners filed W.P.No.12391 of 2016, the further actions are pending and the acquisition of land got delayed.

5. In view of the said findings in the status report, this Court has to necessarily consider the other writ petition. Now, since the other writ petition filed in W.P.No.12391 of 2016, has been dismissed, there is no further impediments for the authorities to initiate action to reach the Burial Ground. All necessary acquisition proceedings shall go on, by following



the procedures as contemplated and accordingly, the funds allotted must be utilised for the purpose of providing the facilities to reach the Burial Ground and to provide all other necessary facilities.

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6. With these directions, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu, Fort St. George,
Chennai - 600 009.
2. The Principal Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Fort St. George, Chennai - 600 009.
3. The Commissioner,
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6. The President,
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Ulunthurpet Taluk, Villupuram District.
7. The Block Development Officer (SCHEME),
Thirunavalur, Kallakurichi District.

+1cc to M/s.S.Sathia Chandran, Advocate, S.R.No.52264

+1cc to the Government Pleader, S.R.No.53175

W.P.No.20082 of 2016

PMK(CO)
RLP(26/10/2021)