



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.17645 of 2021

Narayana Swamy

.. Petitioner

Vs.

1. The Commissioner
Hosur Municipal Corporation,
Hosur, Krishnagiri District.

2. The District Collector,
Krishnagiri District,
Krishnagiri.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to initiate appropriate action on the representation of the petitioner dated 23.04.2021 and a reminder dated 13.07.2021 to exhume the body which is buried illegally in Survey No.801 and 802 of Avalapalli Village which lands are classified as Kallankuthu Poromboke and Vaari Poromboke as per the revenue records and to bury in the place allotted or classified as Burial/ Cremation Ground for the said community people forthwith without any further delay.

For petitioner : Mr. G.M. Ananthakumar

For respondents : Mr.K.V.Sajeevkumar,
Govt. Counsel (for R1, R2)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

The prayer in the Writ Petition is to direct the respondents to initiate appropriate action on the basis of the representation of the petitioner, dated 23.04.2021 and a reminder dated 13.07.2021.



2.The case of the petitioner is that he is a permanent resident of Basthi, Avalapalli Road, Hosur Town, Krishnagiri. The lands in Survey Nos.801 and 802 of Avalapalli Village are classified as Kallankuthu Poromboke and Vaari Poromboke as per the revenue records. It is further stated that the Government hospital, residential houses, flats, temples, ration shop and various other commercial establishments are in existence near the above said lands and it is also a thickly populated area.

3.It is alleged by the petitioner that on 22.04.2021, a dead body was buried in Survey No.802 of Avalapalli Village, despite the objection of the petitioner and the residents of the area. Hence, he made representation to the respondents on 23.04.2021 to exhume the dead-body, which was buried illegally in the land, which is classified as Vaari Poromboke. Since no action was taken by the respondents, he sent a reminder on 13.07.2021. Even then, no action was taken by the respondents, hence, the present writ petition.

4.The learned Counsel appearing for the petitioner Mr.G.M.Ananthakumar would submit that it would suffice, if a direction is issued to the first respondents to consider the representation of the petitioner and pass orders on the same.

5.The learned Government Counsel appearing for the first respondent would state that the first respondent is the competent authority and he has received the representation of the petitioner and he is ready to consider the same.

6.In the light of the prayer sought for in this writ petition and also considering the submissions of the learned counsels on either side, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation dated 23.04.2021 and the reminder dated 13.07.2021 and take action in accordance with law, after providing opportunity to the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gba/skn



To

1. The Commissioner
Hosur Municipal Corporation,
Hosur, Krishnagiri District.

2. The District Collector,
Krishnagiri District,
Krishnagiri.

W.P.No.17645 of 2021

PL (CO)
K.RK. (22.09.2021)