

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.8077 of 2017&

W.M.P.No.8838 of 2017

Nagappa

... Petitioner

Vs.

1.The District Adi-Dravidar Welfare Officer,
Krishnagiri, Krishnagiri District.

2.The Tahsildar,
Adi Dravidar Welfare,
Krishnagiri, Krishnagiri District.

3.The Tahsildar,
Head Quarters, Denkanikottai Taluk,
Krishnagiri District.

4.The Inspector of Police,
Denkanikottai P.S.,
Krishnagiri District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from evicting the petitioner and permitting to burry the dead body from the lands in Survey No.153 of Maragatta Village, Noganur, Denkanikottai Taluk, Krishnagiri District without due process of law.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.K.Parameshwaran,
Government Advocate

ORDER

This writ petition has been filed for a mandamus to forbear the respondents from evicting the petitioner and permitting to bury the dead body from the lands in Survey No.153 of Maragatta Village, Noganur, Denkanikottai Taluk, Krishnagiri District without following the due procedure established under law.

2. Heard Mr.S.Doraisamy, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondents.

3. It is the case of the petitioner that as seen from the affidavit filed in support of this writ petition, the above mentioned lands have been assigned to him on 27.08.1989. However, according to him, without following the due procedure established under law, the respondents are permitting to bury the dead bodies in the petitioner's property.

4. A counter affidavit has been filed by the third respondent wherein in paragraph 8, they have stated as follows:

"8.It is respectfully submitted that at no point of time this Respondent disturbed the possession of the petitioner. For the time being, there is no proposal to cancel the assignment made in favor of the petitioner. If any necessity arises in future the same will be done according to due process of law."

Since it is seen from the counter affidavit filed by the third respondent that the respondent for the present do not have any proposal to cancel the assignment made in favour of the petitioner, the apprehension of the petitioner as stated in this writ petition is uncalled for.

5. After recording paragraph 8 of the counter affidavit filed by the third respondent, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS.VII)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Adi-Dravidar Welfare Officer,
Krishnagiri, Krishnagiri District.
- 2.The Tahsildar,
Adi Dravidar Welfare,Krishnagiri, Krishnagiri District.
- 3.The Tahsildar,
Head Quarters, Denkanikottai Taluk, Krishnagiri District.
- 4.The Inspector of Police,
Denkanikottai P.S., Krishnagiri District.

AKM/09.03.21/2P-5C/

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