



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.932 of 2021

and

W.M.P. (MD)No.1099 of 2021

WEB COPY

Ramasamy

... Petitioner

Vs.

1.The District Collector/Inspector of Panchayath,
Pudukkottai District, Pudukkottai.

2.The Assistant Director (Panchayath),
Pudukkottai District,
Pudukkottai.

3.The Thashildhar,
Ponnamarvathy,
Pudukkottai District.

4.The President,
P.Usilampatti Village Panchayath,
Ponnamaravathy,
Pudukkottai District.

5.Subbaiah

6.Karuppaiah

7.Jeyalakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to direct the 2nd and 3rd respondents to prevent the villagers in the petitioner's own land as Burial ground in Survey No.378/6 of Ponnamarvathy East Village, Ponnamaravathy Taluk, Pudukkottai District and its extent of 25.20 hectrs., based on the petitioner's representation dated 07.01.2021 within a stipulated time limit.

For Petitioner : Mr.Prasanna Rajadurai
For Mr.Muthalraj.S

For Respondents : Mrs.M.Rajeswari,
Government Advocate for R1 to R3.



ORDER

Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned standing counsel appearing for the fourth respondent/Panchayat. Considering the nature of relief to be granted, notice to the respondents 5 to 7 is dispensed with.

2.All that the petitioner states is that the petition mentioned ground is being unlawfully used by the villagers as a burial ground. He alleged that the private respondents have recently buried the dead body of a child. I called upon the learned Government Advocate appearing for the respondents 1 to 3 as well as the learned standing counsel appearing for the fourth respondent to confirm whether the petition mentioned land has been classified as a burial ground in the revenue records. I also wanted them to make statement regarding the true character of the land. The learned Government Advocate submitted today i.e., 25.01.2021 that the petition mentioned land is the petitioner's patta land and that it has not classified as burial ground in the revenue records. However, it is added by the learned Government Advocate that as a matter of practice, bodies are being buried in the land.

3.I cannot take cognizance of the practice. All that I have to see is whether the land has been classified as a burial ground in the revenue records. When it has not been classified as a burial ground in the revenue records and when it is admittedly private patta land of the petitioner, direction has to be issued to the authorities for preventing the villagers from treating the petition mentioned land as a burial ground any more. It is duty of the respondents 1 to 4 to announce to the villagers that henceforth, the petition mentioned land shall not be used as burial ground and that violation of this order will invite adverse consequences.

4.With this direction to the respondents 1 to 4, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

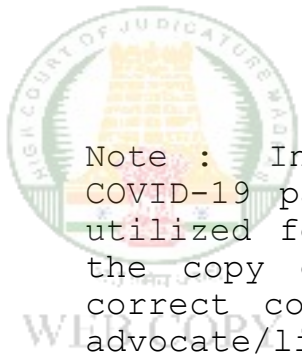
Assistant Registrar

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/ /2021

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/Inspector of Panchayath,
Pudukkottai District, Pudukkottai.
- 2.The Assistant Director (Panchayath),
Pudukkottai District, Pudukkottai.
- 3.The Thashildhar,
Ponnamarvathy,
Pudukkottai District.
- 4.The President,
P.Usilampatti Village Panchayath,
Ponnamaravathy,
Pudukkottai District.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-2133[F] dated 27/01/2021)

W. P (MD) No. 932 of 2021
25.01.2021

SRK (CO)
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