



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.1117 of 2021

and

C.M.P. (MD) No.4913 of 2021

Subbaiah

... Appellant / 5th Respondent

Vs.

1.Ramasamy

... 1st Respondent / Petitioner

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

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

4. The Thasildar,
Ponnamaravathy,
Pudukkottai District.

5. The President,
P.Usilampatty Village Panchayath,
Ponnamaravathy,
Pudukkottai District.

... Respondents 2 to 5/
Respondents 1 to 4

6.Karuppaiah

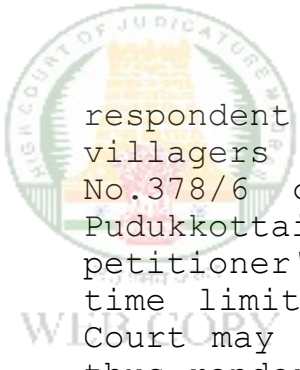
7.Jeyalakshmi

... Respondents 6 & 7 /
Respondents 6 & 7

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 25.01.2021 in W.P.(MD)No.932 of 2021 on the file of this Court.

Prayer in WP(MD). 932/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus or any other order or direction in the nature of writ 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 Ponnamaravathy 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 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant	: Mr.D.Selvanayagam for Mr.R.Sivalingam
For R - 1	: Mr.A.Prasanna Rajadurai
For RR 2 to 5	: Mr.A.K.Manikkam Standing Counsel for Government
For RR 6 & 7	: No appearance

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.D.Selvanayagam, for Mr.R.Sivalingam, learned Counsel appearing for the Appellant/fifth respondent, Mr.A.Prasanna Rajadurai, learned counsel appearing for the first respondent and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents 2 to 5.

2.This writ appeal is directed against the order dated 25.01.2021, passed in W.P(MD) No.932 of 2021.

3.The first grievance of the appellant is that the writ petition has been disposed of without notice to the appellant. This submission appears to be correct.

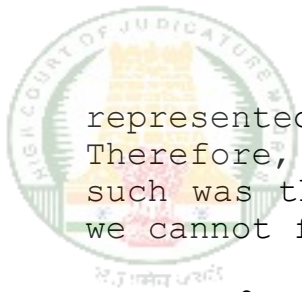
4.Be that as it may, the dispute involved in the present matter is whether the land in question has been classified as a "burial ground" in the revenue records.

5.The appellant would state that for several decades, the villagers have been using the said land as a "burial ground".

6.The learned counsel for the first respondent submitted that the land is a private patta land and at the instigation of the appellant and others, dead bodies have been buried.

7.As per the document issued from the office of the District Collector, Pudukkottai, the land in survey No.317/6, is classified as "சர்க்கார் மானாவாரி அனாதீனம்" (Sarkar Manavary Anatheenam).

8.When the writ petition was heard, on instructions from the official respondents, the learned Government Advocate had



represented that the land is a patta land of the first respondent. Therefore, the Single Bench had disposed of the writ petition. If such was the submission made on behalf of the official respondents, we cannot find fault with the impugned order.

9. In any event, there is nothing on record to show that the land has been classified as “மயானம்” (Mayanam). This has to be conclusively made clear, so that the correct state of affairs would be allowed to prevail.

10. Therefore, we direct the fourth respondent to conduct an enquiry after issuing notice to the appellant, the respondents 1, 6 and 7 as well as President of the Village Panchayat, examining the revenue records and then take a final decision in the matter and communicate such decision to the parties to whom notice has been sent and also give a wide publicity to such an order. This direction be complied with within a period of six weeks from the date of receipt of a copy of this judgment.

11. Since after the disposal of the writ petition no dead bodies are buried, the same status-quo shall be continued till the orders are passed by the Tahsildar, based on the above direction.

12. With the above directions, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

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,

<https://hcservices.ecourts.gov.in/hcservices/>



3. The Thasildar,
Ponnamaravathy,
Pudukkottai District.

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

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-22465[F] dated 14/07/2021)

+1 CC to M/s.SPL GP (SR-22702[F] dated 15/07/2021)

**W.A. [MD]No.1117 of 2021
13.07.2021**

RC (23.07.2021) 4P-7C