



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM :

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**THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.P. (MD) No.19608 of 2020
and
W.M.P. (MD) No.16328 of 2020**

K.Mayandi

.. Petitioner

Vs

1.The District Collector,
Sivagangai District,
Collectorate Office,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Thirupathur Taluk,
Thirupathur,
Sivagangai District.

4.The Superintendent of Police,
Sivagangai District,
Sivagangai.

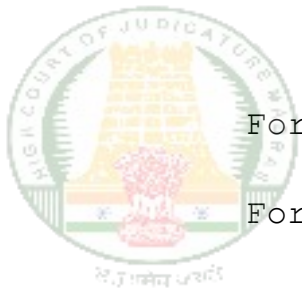
5.Naatchal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, to direct the respondents 1 to 4 herein by directing them to provide permanent relief to the village people of Bramanampatti by passing appropriate order to take the dead bodies and to conduct other related rituals through the already existing pathway in S.No.84/8 to the Mayanam of Bramanampatti Village, Thirupathur Taluk, Sivagangai District.

For Petitioner

: Mr.S.Natarajan



For Respondent Nos.1 to 4 : Mr.K.P.Krishnadass
Special Government Pleader
For Respondent No.5 : No appearance

O R D E R

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[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

This Writ Petition, styled as Public Interest Litigation, has been filed for the issuance of a writ of Mandamus, to direct the respondents 1 to 4 herein to provide permanent relief to the Village people of Bramanampatti by passing appropriate order to take the dead bodies and to conduct other related rituals through the already existing pathway in S.No.84/8 to the Mayanam of Bramanampatti Village, Thirupathur Taluk, Sivagangai District.

2.Heard Mr.S.Natarajan, learned counsel appearing for the petitioner and Mr.K.P.Krishnadass, learned Special Government Pleader, appearing for respondent Nos.1 to 4. Mr.S.Bharathi Kannan, learned counsel, who initially appeared for the fifth respondent has given change of Vakalat and requests that his name may be deleted. Therefore, the name of Mr.S.Bharathi Kannan, learned counsel is directed to be deleted.

3.The issue involved in this Writ Petition is the right to carry the dead bodies through a private patta land. The counter affidavit of the Tahsildar, Thiruppathur, the third respondent herein, would state that for nearly 50 years the dead bodies were carried through the property of the fifth respondent to reach the burial ground by giving intimation. On intimation being given, the barricade will be removed by the fifth respondent to facilitate carrying of the dead bodies. It appears, in the year 2018, due to some altercation, the fifth respondent prevented the people belonging to one section of Village from carrying the dead body through his patta land. This has lead to various other problems. A Peace Committee was convened.

4.From the counter affidavit, the Tahsildar, Thiruppathur has suggested two alternative pathways. In our considered view, the petitioner and his group are expected to accept one of the alternative pathways. It is not for this Court to observe on which pathway access should be given to the burial ground. The Revenue Authorities should take appropriate steps to enable the petitioner and his ground to take a decision in this matter, bearing in mind all the relevant factors. Therefore, we direct the third respondent to issue notice to the petitioner and his group and offer the two alternative pathways and if there is any delay in the petitioner and his group opting for any one of the alternative pathways, then the Tahsildar, Thiruppathur will decide on the best option and provide pathway to the petitioner and his group to the burial ground and



there shall be no interference with the right of the fifth respondent over the land in question and they shall use the alternative pathway given by the Government.

5. The writ petition stands disposed of with the above observations and directions. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Sivagangai District,
Collectorate Office,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Thirupathur Taluk,
Thirupathur,
Sivagangai District.
- 4.The Superintendent of Police,
Sivagangai District,
Sivagangai.

+1 CC to M/s.S.NATARAJAN, Advocate (SR-17482[F] dated 26/04/2021)
+1 CC to M/s.SPL GP (SR-17562[F] dated 26/04/2021)

W.P. (MD) No.19608 of 2020
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SDS(10.05.2021) 3P 7C