



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.1769 of 2022

R.Elango

.. Petitioner

vs

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The Tahsildar,
Palacode Taluk,
Palacode,
Dharmapuri District.

3. The Executive Officer,
Selection Grade Town Panchayat,
Palacode,
Dharmapuri District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents herein to consider the representation dated 31.08.2021 of the petitioner regarding use of the Government poramboke land in Survey No. 909/2 (0.29.5 Hectares) in Palacode Town Panchayat, classified as 'Burial Ground' in revenue records, for any other purpose except as Burial Ground, and to drop the proposal of constructing overhead tank therein.

For the Petitioner : R.Dhanasekar

For the Respondents : Mr. P.Muthukumar,
Government Pleader



ORDER
(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed to seek a direction to maintain Survey No. 909/2 (0.29.5 Hectares) in Palacode Town Panchayat as burial ground and, accordingly, the respondents may not use the land for construction of the overhead tank therein.

2. Learned Government Pleader appearing for the respondents, on oral instructions, submits that the overhead tank would be constructed in a land other than that used as burial ground.

3. In view of the above, we dispose of this writ petition with a clarification that the respondents would be at liberty to construct overhead tank in the appropriate land other than that of burial ground. The direction aforesaid has been based on the oral instructions to the learned Government Pleader and even otherwise, the burial ground cannot be used for any other purpose than for which it has been kept. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vjt

To:

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Tahsildar,
Palacode Taluk,
Palacode,
Dharmapuri District.
3. The Executive Officer,
Selection Grade Town Panchayat,
Palacode, Dharmapuri District.

+1 cc to Mr.R.Tamarai Selvan, Advocate Sr.NO. 7112

+1 cc to Government Pleader Sr.NO. 7670

W.P.No.1769 of 2022

ksm(CO)

A.SK(10.02.2022)