



WEB COPY



WP.No.37279 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WP.No.37279 of 2015
and MP.No.1 of 2015

A.Shaffeer Ali,
President,
Tamil Nadu Thowheed Jamad,
V Kalathur Branch,
Perambalur District.

...petitioner

Vs.

1. The District Collector,
Perambalur.
2. The Tahsildar, Veppanthattai Taluk,
Pereambalur.
3. The President,
V Kalathur Panchayat,
Pereambalur.
4. The Sub Inspector of Police,
V Kalathur Police Station,
Pereambalur.
5. Liyakath Ali

...respondents



WP.No.37279 of 2015

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the third respondent herein to maintain the Muslim burial ground in S.No.119/8 of V.Kalathu Village and ensure that the members of the Mohammadean Community are permitted to use the property for the purpose intended.

For Petitioner : Mr.Sunny Sheen
for Mr.V.Raghavachari

For Respondents
for RR1 & 2 : Mrs.M.Geetha Thamariselvan
Special Government Pleader
for R3 : No Appearance
for R4 : Mr.A.Selvendran,
Special Government Pleader
for R5 : Mr.S.Doraisamy

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the third respondent herein to maintain the Muslim burial ground in S.No.119/8 at V.Kalathu Village and ensure that the members of the Mohammadean Community are permitted to use the property for the purpose it has been intended.

2. The petitioner states that he is the President of the Tamil Nadu Thowheed Jamad, V Kalathur Branch, Perambalur District. This



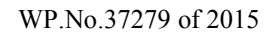
WP.No.37279 of 2015

Writ Petition is filed to ensure that the members of the Mohammedan Community shall use the burial ground in S.No.119/8 at V.Kalathu Village.

3. It is the specific case of the petitioner that the property in Survey No.119/8 at V.Kalathur Village is used as a Muslim burial ground and it is owned by the Thowheed Jamad as well as the Sunnath Jamath of the said Village. However, the members of the Sunnath Jamath claims exclusive right to the said burial ground and they are creating problems for the members of Thowheed Jamad to use the same.

4. The petitioner has impleaded an individual by name Liyakath Ali as fifth respondent, who is said to be the Secretary of the Sunnath Jamath. It is also the grievance of the petitioner that the members of the Sunnath Jamath are protesting before every authorities and not permitting to bury the dead bodies of the family belongs to the Thowheed Jamad in the said common burial ground.

5. The fifth respondent has filed counter affidavit specifically



7. Except referring to Section 116 of the Panchayat Act, the petitioner has not pointed out any statutory obligation on the official respondents to protect the petitioner's interest nor produced any document to establish their right in respect of the burial ground. As there is a dispute regarding title to the burial ground, this Court cannot entertain this Writ



WP.No.37279 of 2015

Petition. When the local body construct or establish a burial ground or a burning ground for the purpose of public use, the petitioner or any other Villagers have the right to seek relief before this Court. However, the petitioner has not produced any document to show the title in favour of the petitioner's Jamad or Local body in respect of the burial ground.

8. In such circumstances, this Court cannot entertain the Writ Petition of this nature. Therefore, this Writ Petition is dismissed. However, liberty is given to the petitioner to approach the Civil Court to seek appropriate relief in respect of the said burial ground. No costs. Consequently, connected miscellaneous petition is closed.

27.10.2022

Index : Yes/No
pvs

To

1. The District Collector,
Perambalur.
2. The Tahsildar, Veppanthattai Taluk,
Perambalur.
3. The President,
V Kalathur Panchayat,
Perambalur.



WP.No.37279 of 2015

4. The Sub Inspector of Police,
V Kalathur Police Station,
Pereambalur.

WEB COPY



WEB COPY



WP.No.37279 of 2015

S.S.SUNDAR.J.,

pvs

WP.No.37279 of 2015

27.10.2022