



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.9112 of 2021

S. Satheesh Kumar

...Petitioner

..Vs..

1. The District Collector,
Krishnagiri District,
Krishnagiri

2. The Tahsildar,
Soolagiri Taluk
Soolagiri,
Krishnagiri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ, Order or direction particularly in thenature of a Writ of Mandamus directing the respondents herein to consider the representation dated 11.01.2021 sent by the petitioner for taking action and preventing the burying of the dead persons in his lands in S.F.No. 480/1B, situate at Alekotta Village, Soolagiri Taluk, Krishnagiri District, within a stipulated period.

For Petitioner : Mr. K. Govi Ganesan

For Respondents: Mr. S.J. Mohammed Sathik
Government Advocate.

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 11.01.2021 seeking to prevent burying dead persons in the petitioner's land in S.F.No. 480/1B, situate at Alekotta Village, Soolagiri Taluk, Krishnagiri District, and pass final orders within a time frame to be fixed by this Court.



2. It is the case of the petitioner that, in the aforementioned patta land belonging to the petitioner, dead bodies are regularly buried, despite the fact that a separate place is ear marked for burial in a nearby area. In such circumstances, the petitioner has given a representation dated 11.01.2021 to the respondents requesting them to prevent such burials. The petitioner also filed a copy of the patta and adangal standing in his name. Photographs of the subject property are also filed.

3. Admittedly the representation dated 11.01.2021 has not been considered till date. Learned Government Advocate appearing for the respondents would submit that since the representation is an old one, the petitioner will have to give a fresh representation and once it is given, the second respondent shall consider the same on merits and in accordance with law. The said statement is recorded. In my considered view, no prejudice would be caused to the respondents if such an exercise is done.

4. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation within a period of one week from the date of receipt of a copy of this order requesting the second respondent to take action and prevent burial of dead persons in the petitioner's land in S.F.No. 480/1B, situate at Alekotta Village, Soolagiri Taluk, Krishnagiri District, and on receipt of the said representation, the second respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and any other necessary party, whom the second respondent deem fit to enquire including granting them the right of personal hearing within a period of 12 weeks thereafter.

5. With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

bga

To

1. The District Collector,
Krishnagiri District,
Krishnagiri



2. The Tahsildar,
Soolagiri Taluk
Soolagiri, Krishnagiri District.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.33286

+1cc to the Government Pleader, S.R.No.34196

W.P.No.9112 of 2021

MT (CO)
SB(21/06/2022)