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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.12940 of 2020 and
WMP.No.16005 of 2020

Narayanaswamy

... Petitioner

Vs

- 1.The District Collector,
Krishnagiri District,
Krishnagiri
- 2.The Superintendent of Police,
Krishnagiri District,
Krishnagiri
- 3.The District Revenue Officer,
Krishnagiri District,
Krishnagiri
- 4.The Revenue Divisional Officer,
Hosur,
Krishnagiri District
- 5.The Block Development Officer,
Hosur Block,
Krishnagiri District
- 6.The Village Administrative Officer
Sevaganapalli Village,
Hosur Taluk,
Krishnagiri District
(Cause Title amended vide order
dated 17.09.2020 in WP.No.12940 of
2020)

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to order the removal of dead body from the petitioner's cultivating land situated at S.No.10/4A2, 10/4C2 to an extent of 3.11 acres and at S.No.8 to an extent of 0.40 acres at Kodiyaalam Village, Hosur Taluk, Krishnagiri



District by considering the petitioner's representation dated 07.08.2020.

For Petitioner : Mr.R.Jayaprakash

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For Respondents

For R1 to 5 : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

This writ petition is filed for direction directing the respondents to order the removal of dead body from the petitioner's cultivating land situated at S.No.10/4A2, 10/4C2 to an extent of 3.11 acres and at S.No.8 to an extent of 0.40 acres at Kodiyalam Village, Hosur Taluk, Krishnagiri District by considering the petitioner's representation dated 07.08.2020.

2. The petitioner is in possession and enjoyment of the land comprised in S.No.10/4A2, 10/4C2 to an extent of 3.11 acres and at S.No.8 to an extent of 0.40 acres at Kodiyalam Village, Hosur Taluk, Krishnagiri District. While being so, third parties had trespassed the adjacent land and forcibly buried dead bodies. The respondents are also trying to convert the petitioner's land into burial ground. The petitioner and his predecessors are in possession and enjoyment of the said property for the past 40 years on payment of 'B memo' charges to the revenue authorities.

3. On instruction, Mr.V.Jeevagiridharan, Additional Government Pleader appearing for the respondents submitted that the land is classified as 'eri poramboke' and the petitioner is enjoying the property on payment of 'B memo' charges to the revenue authorities.

4. Though it is 'eri poramboke' and the petitioner is in possession and enjoyment of the same, the respondents can very well take action to evict the petitioner from his illegal encroachment from the said property in the manner known to law. However, the subject land cannot be used as burial ground since it is categorised as water body.

5. In view of the above, the respondents are directed not to permit any of the general public to use the land comprised in S.No.10/4A2, 10/4C2 to an extent of 3.11 acres and at S.No.8 to an extent of 0.40 acres at Kodiyalam Village, Hosur Taluk, Krishnagiri District as burial ground and they are also at liberty to take appropriate action as against the petitioner to evict him from the said 'eri poramboke land' with due process of law.



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6. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri
- 2.The Superintendent of Police,
Krishnagiri District,
Krishnagiri
- 3.The District Revenue Officer,
Krishnagiri District,
Krishnagiri
- 4.The Revenue Divisional Officer,
Hosur,
Krishnagiri District
- 5.The Block Development Officer,
Hosur Block,
Krishnagiri District
- 6.The Village Administrative Officer
Sevaganapalli Village,
Hosur Taluk,
Krishnagiri District

+1cc to Mr.R.Jayaprakash, Advocate SR.No.2790

WP.No.12940 of 2020

SJ(CO)
GMY(31/01/2022)