



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.13262 of 2020 and
WMP.No.16389 of 2020

N.Gopalappa

... Petitioner

Vs

1.The District Collector,
Krishnagiri District,
Krishnagiri

2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri

3.The Revenue Divisional Officer,
Hosur,
Krishnagiri District

4.The Tahsildar,
Hosur Taluk,
Krishnagiri District

5.The Block Development Officer,
Hosur
(R5 suo motu impleaded vide order
dated 23.09.2020 in WP.No.13262 of
2020)

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from converting agricultural / cultivable land in S.No.8 to an extent of 0.25 acres into a burial ground situated at Kodyalam Village, Hosur Taluk, Krishnagiri District by considering the petitioner's representation dated 07.09.2020.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader



ORDER

This writ petition is filed for direction forbearing the respondents from converting agricultural / cultivable land in S.No.8 to an extent of 0.25 acres into a burial ground situated at Kodiyalam Village, Hosur Taluk, Krishnagiri District by considering the petitioner's representation dated 07.09.2020.

2. The petitioner is in possession and enjoyment of the land comprised in survey No.8 to an extent of 25 cents situated 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 in S.No.8 to an extent of 0.25 acres situated 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.

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

//True copy//

Sub Assistant Registrar

lok



To

1.The District Collector,
Krishnagiri District,
Krishnagiri

2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri

3.The Revenue Divisional Officer,
Hosur,
Krishnagiri District

4.The Tahsildar,
Hosur Taluk,
Krishnagiri District

5.The Block Development Officer,
Hosur

+1cc to Mr.R.Jayaprakash, Advocate SR.No.2791

WP.No.13262 of 2020

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