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W.P.No.26599 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.26599 of 2022

S.Selvakumar

... Petitioner

Vs.

1. The Secretary,
Government of Tamil Nadu,
Ministry of Industry,
Mines and Minerals Department,
Fort St.George, Chennai.
2. The Secretary, Government of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai.
3. The District Collector,
Cuddalore District,
Office of the District Collector, Cuddalore.
4. The Revenue Divisional Officer,
Virudhachalam Taluk,
Office of the LRevenue Divisional Officer,
Virudhachalam,
5. The President,
Kottumullai Village Panchayat,
Kottumullai Virudhachalam Taluk,
Cuddalore District.

... Respondents



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Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the respondents to remove the encroachments and restore the Burial cum Cremation Ground, which lies on the river bed, situated in Survey No.100 of Chinnakotumullai Village, Periyakotumullai Post, Virudhachalam Taluk, Cuddalore District 606 103.

For petitioner : Mr.L.Ramesh

For Respondents : Mr.A.Selvendran, Spl.Govt.Pleader

ORDER

(Order of this Court was made by D.KRISHNAKUMAR, J.)

This Writ petition has been filed seeking to issue a writ of Mandamus, directing the respondents to remove the encroachments and restore the Burial cum Cremation Ground, which lies on the river bed, situated in Survey No.100 of Chinnakotumullai Village, Periyakotumullai Post, Virudhachalam Taluk, Cuddalore District 606 103.



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2. According to the petitioner, in Chinnakottumullai Village, approximately 2500 people are living and in Periyakottumullai Village, 1500 people are living. The Burial cum Cremation Ground situated in Survey No.100 is common to both the village and this place is described in A Register as Oodai (Water channel). However, somebody have encroached the neighbouring lands to the Burial cum Cremation Ground and hence, the petitioner made a representation dated 25.10.2021 to various authorities to remove the encroachments. However, no action was taken. Hence this writ petition.

3. On instruction, the Special Government Pleader placed a written instruction, wherein, a letter along with photographs was sent by the Tahsildar, Viruduchallam to the Assistant Executive Engineer dated 29.10.2022, informing that the Burial cum Cremation Ground in Survey No.100, measuring to an extent of 11.49.50 Hectors Poromboke land, was surveyed on 29.10.2022 in the presence of Assistant Engineer, Virudachalam and they found, there is no encroachment on four sides of the above land.



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4. The above said letter is placed on record. In view of the above, we are of the view that without furnishing correct details, the petitioner filed this PIL before this Court and hence, this is a fit case for imposing heavy costs on the petitioner. However, considering the request made by the learned counsel for the petitioner, costs not imposed.

5. Accordingly, this writ petition is dismissed. No costs.

(D.K.K., J.) (K.R., J.)

25.11.2022

Index: Yes/No
Internet: Yes/No
mst

To

1. The Secretary,
Government of Tamil Nadu,
Ministry of Industry,
Mines and Minerals Department,
Fort St. George, Chennai.
2. The Secretary, Government of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai.



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3. The District Collector,
Cuddalore District,
Office of the District Collector, Cuddalore.
4. The Revenue Divisional Officer,
Virudhachalam Taluk,
Office of the Revenue Divisional Officer,
Virudhachalam,
5. The President,
Kottumullai Village Panchayat,
Kottumullai Virudhachalam Taluk,
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**D. KRISHNAKUMAR, J.
and
KRISHNAN RAMASAMY, J.**

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