



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28087 of 2021

and

W.M.P.No.29657 of 2021

V.Pandarinathan

...Petitioner

Vs.

1. The District Collector,
Collector Office,
Salem Main Road,
Dharmapuri District-636 705.
2. The Revenue Divisional Officer,
Office of The Revenue Divisional Officer,
Harur, Dharmapuri District-636 903
3. The Tahsildhar,
Taluk Office, Harur Taluk,
Dharmapuri-636 903.
4. The Deputy Superintendent of Police,
DSP Office, Harur Taluk,
Dharmapuri District-636 810.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 15.11.2021 and pass appropriate orders.

For Petitioner : Mr.M.D.Thirunavukkarasu

For Respondents R1 to R3 : Mr.P.Gurunathan
Addl. Government Pleader

For Respondent R4 : Mr.R.Moorthi
Government Advocate (Crl.Side)



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st respondent to consider the representation of the petitioner dated 15.11.2021 and to pass appropriate orders as early as possible.

2. The case of the petitioner is that he purchased a vacant land in Survey No.64/9E, 65/2A2 from one Mr.Ganeshan by way of sale deed for construction of a residential house. While so, the wife of said Ganeshan died due to Covid-19 and therefore, the said Ganeshan along with other rowdies planned to bury the dead body in the petitioner's vacant land. Immediately, the petitioner requested the Tahsildhar through phone to protect his property by stopping Mr.Ganeshan from burying the dead body of his wife in the petitioner's land and on the same day the petitioner lodged a complaint before the Inspector of Police, however no action was taken on his complaint and the said Ganeshan buried the dead body in the petitioner's vacant land. Thereafter, the petitioner made a detailed written complaint/representation on 15.11.2021 before the District Collector, Dharmapuri to remove the dead body buried in his vacant land. Subsequently, in pursuant to the petitioner's representation/complaint, the District Revenue Officer passed an order to the Deputy Superintendent of Police, Harur to inquire the matter and remove the dead body from the petitioner's land. However, till date no action has been taken by the police officials. Hence, this Writ petition is filed

3.The learned counsel for the petitioner submitted that one Ganeshan and some rowdies threatened the petitioner with dire consequences and forcibly buried the dead body in the petitioner's land and though the petitioner made several complaints and also made representation regarding the same before the 1st respondent, however, no action has been initiated by the 1st respondent for petitioner's peaceful enjoyment of his property. Hence, he submitted that, it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's representation/ complaint dated 15.11.2021 and take necessary action to remove the dead body from the petitioner's property within a particular time frame fixed by this Court.

4.The learned Government Advocate has no objection for said order being passed and he fairly conceded that the petitioner's representation dated 15.11.2021 will be considered in accordance with law and appropriate orders will be passed within the time stipulated by this Court.



5. In view of the aforesaid submissions, considering the limited relief sought for by the petitioner, this Court without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioner's representation dated 15.11.2021 on merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order after providing opportunity of hearing to the aggrieved persons.

6. This writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

skt

To

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4. The Deputy Superintendent of Police,
DSP Office, Harur Taluk,
Dharmapuri District-636 810.

+1cc to Mr.M.D.Thirunavukkarasu, Advocate SR.No.445

+1cc to Government Pleader SR.No.324

W.P.No.28087 of 2021
and
W.M.P.No.29657 of 2021

PMK (CO)
GMY (04/02/2022)