



*W.P.(MD)No.18710 of 2013*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2022

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.18710 of 2013**

**and**

**M.P.(MD)No.1 of 2013**

M.Rajangam

... Petitioner

Vs.

1. The District Collector,  
Trichirappalli.
2. The Commissioner,  
Schedule Caste and Schedule Tribe  
Welfare Department,  
Collector Office,  
Trichy - 1.
3. The Special Tahsildar,  
Schedule Caste and Schedule Tribe  
Welfare Department,  
Collector Office,  
Trichy - 1.
4. The Block Development Officer,  
Union Office,  
Mannachanallur,  
Mannachanallur Taluk,  
Trichy District.



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5. The Tahsildar,  
Taluk Office,  
Mannachanallur,  
Mannachanallur Taluk,  
Trichy District.

6. The President,  
Melpathu Panchayat,  
Mannachanallur Taluk,  
Trichy District.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider and pass orders on the representation through his counsel dated 16.09.2013, not to form any “Graveyard” in Survey No. 218/10 and patta No.381 to an extent of 0.46.5 hectares at Melpathu Panchayat, Mannachanallur Taluk, Trichy District.

For Petitioner : Mr.V.Ilanchezian  
For Respondents : Mr.N.Muthuvijayan  
Special Government Pleader

### **ORDER**

The present writ petition has been filed seeking a writ of Mandamus, forbearing the respondents from creating any graveyard in Survey No.218/10 in Patta No.381 to an extent of 0.46.5 hectares at Melpathu Panchayat, Mannachanallur Taluk, Trichy District.

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2. According to the petitioner, an extent of 0.46.5 hectares at Melpathu Panchayat, Mannachanallur Taluk in Survey No.218/10 in Patta No.381 originally belonged to his father and now, the revenue records are standing in the name of the writ petitioner from the year 1998 onwards. The petitioner has further contended that an attempt was made by the respondents to encroach into the property alleging that a sale deed has been executed by his father on 16.06.1999 to the Government for the purpose of creation of a graveyard for the Scheduled Caste people. Without following any due process of law, the respondents are attempting to create a graveyard in the above said property. Hence, the present writ petition.

3. Per contra, the learned counsel for the respondents has contended that on 16.09.1999, the petitioner's father, namely, Malaiyalam has executed a registered sale deed in Document No.533/99 to the Government of Tamil Nadu for 0.10.0 ares in Survey No.218/10 for the purpose of creation of a graveyard for the Schedule Caste people. Thereafter, the said land which was sold by the writ petitioner's father



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was assigned Survey No.218/10A and it was classified as Mayanam and the balance extent in Survey No.218/10 was classified as Survey No. 218/10B as a private patta land and it stands in the name of the writ petitioner's father.

4. According to the learned counsel for the respondents, Mayanam has been created only in the land that was sold by the writ petitioner's father, which has now been subdivided as Survey No.218/10A. The learned counsel for the respondents has further contended that the reclassification of Mayanam was made in the year 2000 itself and from the said date onwards, the said land is being utilised for the purpose of cremation. Hence, the writ petition filed in the year 2013 is not at all maintainable.

5. I have carefully considered the submissions made on either side.

6. Admittedly, the petitioner's father is the owner of an extent of 0.46.5 hectares of land in Survey No.218/10. However, he has chosen to



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execute a registered sale deed in favour of the Government on 16.06.1999 for an extent of 0.10.0 ares for the creation of graveyard for Scheduled Caste people. The said sale deed has been accepted and the Government has also subdivided the Survey No.218/10 as Survey Nos. 218/10A and 218/10B. Survey No.218/10A has been classified as Mayanam and Survey No.218/10B has been classified as a private patta land, which stands in the name of the writ petitioner's father.

7. In view of the above said facts, the case of the petitioner, that without acquisition proceedings, the Government is attempting to create a Mayanam in a private patta land is not legally sustainable. In view of the above said facts, there are no merits in the writ petition. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**30.08.2022**

Index : Yes / No  
Internet : Yes / No  
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**R.VIJAYAKUMAR ,J.**

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