



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.02.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No. 2491 of 2022

Chellammal

... Petitioner

Vs.

1. The Superintendent of Police
Pudukottai District
Pudukottai
2. The District Revenue Officer
Pudukottai District,
Pudukottai
3. The Tahsildhar
Thirumayam, Pudukottai District.
4. The Inspector of Police
Arimalam Police Station,
Pudukottai District

...Respondents

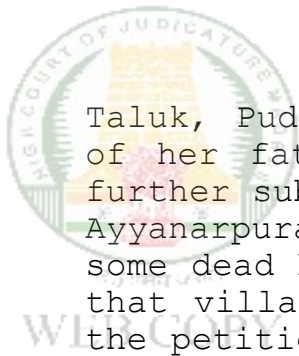
Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to direct the fourth respondent to prevent and take suitable action against the erred villagers from converting the water canal as Burial ground in survey No.636 of Perungudi Village, Thirumayam Taluk, Pudukottai District based on Petitioner representation dated 17.01.2022 within the stipulated time as fixed by this Court.

For Petitioner : Mr.Na. Palaniyandi
For Respondents : Mr.R.M.Anbunithi
No.1 to 4 Additional Public Prosecutor

ORDER

This Petition has been filed to direct the first respondent to direct the fourth respondent to prevent and take suitable action against the erred villagers from converting the water canal as Burial ground in survey No.636 of Perungudi Village, Thirumayam Taluk, Pudukottai District based on the representation dated 17.01.2022

2. It is the grievance of the petitioner that the petitioner has owned lands in Survey No.1280/17 in Perungudi Village, Thirumayam



Taluk, Pudukottai District with patta No.254 and after the demise of her father, the land was owned by the petitioner. She would further submit that before 50 years, some families settled the above Ayyanarpuram from near by village South Nalipatty and at that time, some dead bodies were buried in the water canal in Survey No.636 of that village and thereafter it was used as burial ground. Whileso, the petitioner has also filed a civil suit for permanent injunction and the same was decreed in her favour on 13.09.2021. Thereafter on Rasu, S/o. Karupuppaiah died on 13.01.2022 and that body was buried in that water canal, immediately her husband approached the first respondent for taking action. In this regard, the petitioner has submitted the representation dated 17.01.2022, which has not been considered by the fourth respondent till date and therefore, he has filed the present writ petition.

3. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

4. In view of the limited prayer sought for in this writ petition and without going into the merits of the case, there shall be a direction to the second respondent to consider the petitioner's representation dated 17.01.2022 after issuing notice to the counter parties, if any, and pass orders on its own merits and take further action in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

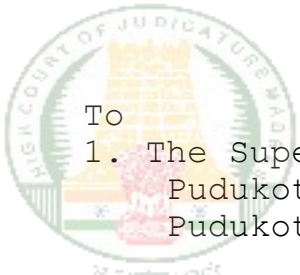
Assistant Registrar (W)

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Sub Assistant Registrar (CS)

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To

1. The Superintendent of Police
Pudukottai District
Pudukottai

2. The District Revenue Officer
Pudukottai District,
Pudukottai

3. The Tahsildhar
Thirumayam, Pudukottai District.

4. The Inspector of Police
Arimalam Police Station,
Pudukottai District

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-5212[F]
dated 09/02/2022)

W.P (MD).No.2491 of 2022
08.02.2022

SE (CO)

GC(21.02.2022) 3P 7C