



W.P.(MD)No.25525 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.25525 of 2022

K.Mani

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Building,
Pudukkottai District.
- 2.The District Revenue Officer,
Pudukkottai District.
- 3.The Revenue Divisional Officer,
Pudukkottai District.
- 4.The Tahsildar,
Viralimalai Taluk,
Pudukkottai,
Pudukkottai District.
- 5.The Block Development Officer,
Office of the Block Development Officer,
Viralimalai,
Pudukkottai District.
- 6.The President,
Kathalur Panchayat,
Viralimalai Taluk,
Pudukkottai District.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 1 to 5 respondents to grant a common burial ground in a SF.No. 51/1 situates at Akkalnayakkanpatty Village, Kathalur Village, Viralimalai Taluk, Pudhukottai District and consider his representation dated 27.05.2022.

For Petitioner : Mr.G.Kannan

For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

For Respondents 5 & 6 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents 1 to 5 to grant a common burial ground in SF.No. 51/1 situates at Akkalnayakkanpatty Village, Kathalur Village, Viralimalai Taluk, Pudhukottai District, by considering his representation dated 27.05.2022.

2. Heard Mr.G.Kannan, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and



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Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 5 and 6. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Claiming that the villagers of the petitioner were using SF No.50/2A and 53/2, Akkalnayakkanpatty, Kathalur Village, Viralimalai Taluk, which belongs to one Kannusamy Nayakkar and Poochammal, as burial ground and since they fenced the said survey field, thereby preventing the villagers from using the same as burial ground, the petitioner submitted a representation to the respondents 1 to 3 to allot SF No.51/1, Akkalnayakkanpatty, Kathalur Village, Viralimalai Taluk, for common burial ground, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the first respondent to dispose of his representation dated 27.05.2022, within a time frame.



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5. Learned Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the representation of the petitioner will be considered within a period of twelve weeks.

6. Considering the limited scope of the prayer now sought for by the petitioner and the submission of the learned Government Pleader appearing for the respondents 1 to 4, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the 1st respondent to consider the representation of the petitioner dated 27.05.2022, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and all other parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
10.11.2022

Internet : Yes / No
Index : Yes / No
sj



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To

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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

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