



W.P.(MD)No.19832 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.19832 of 2022

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... Petitioner

Vs.

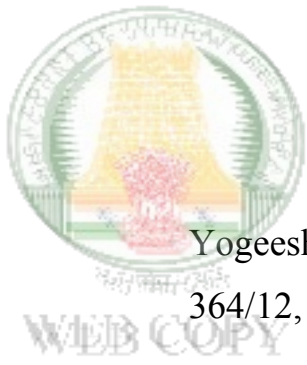
- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
- 3.The Tahsildar,
Vilathikulam,
Thoothukudi District.
- 4.The Village Administrative Officer,
Melmaanthal Village,
Vilathikulam Taluk,
Thoothukudi District.
- 5.The Panchayat President,
Melmanthal Vilalge, Vilathikulam Taluk,
Thoothukudi District.

... Respondents

[R5 is impleaded vide Court order dated 26.10.2022]

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 25.07.2021 and arrange the pathway to the

<https://www.mhc.tn.gov.in/judis>



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Yogeeshwarar Community's crematory garden, which is situated in Survey No. 364/12, Melmaanthal Village, Vilathikulam Taluk, Thoothukudi District.

For Petitioner : Mr.M.M.Manivelpandian

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 25.07.2021 and to arrange pathway to the Yogeeshwarar Community's crematory garden, which is situated in Survey No.364/12, Melmaanthal Village, Vilathikulam Taluk, Thoothukudi District.

2. The grievance of the petitioner is that the representation submitted by the petitioner seeking pathway to the crematory garden has not been considered by the respondents.

3.The learned counsel for the petitioner submitted that the crematory garden situated in Survey No.364/12, Melmaanthal Village is belonged to the petitioner's village people. Since the pathway to the said crematory garden was disturbed by some village dominant persons, the petitioner made a petition to the revenue official for necessary action. Based on the same, a peace committee meeting was convened by the revenue authority and the same was



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also succeeded. Even thereafter, the dominant persons are causing disturbance to the said pathway without abiding by the compromise arrived in the peace committee meeting. Hence, the petitioner made a representation, dated 25.07.2021 seeking to arrange pathway to access the crematory garden.

4.The learned Additional Government Pleader appearing for the respondents submitted that the pathway used by the petitioner is the patta land of one Valliyammal. In the peace committee meeting, the said Valliyammal had agreed to give pathway to the petitioner. After some time, she refused for the same. Hence, necessary steps are being taken to set right the issue.

5.Heard the learned counsel appearing on either side.

6. The performance of last rights designed solely for the benefit of the departed soul and the same has to be done in a peaceful manner to rest the soul of the deceased in peace. In that view of the matter, this Court directs the respondents to consider the representation of the petitioner, dated 25.07.2021 seeking pathway to the crematory garden of the petitioner's village and pass appropriate orders on the same providing pathway to the petitioner's village within a period of twenty [20] weeks from the date of receipt of a copy of this order. If there is no other alternative way other than the land of a third party, namely Valliammal to access the crematory garden of the petitioner's village,

the respondents are directed to proceed further in accordance with law to



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provide pathway to the crematory garden of the petitioner's village.

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7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

24.11.2022

Index : Yes/No

Internet : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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