



W.P(MD).No.10879 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.10879 of 2015

and

M.P(MD) No.1 of 2015

Ravi

... Petitioner

-VS-

- 1.The District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Palani, Dindigul District.
- 3.The Tahsildar,
Vedachandur,
Dindigul District.
- 4.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
- 5.The Village Administrative Officer,
Ayyaloor Village,
Vedachandur Taluk,
Dindigul District.
- 6.Karuppiah (Died)
- 7.Chinnan
- 8.Paulraj
- 9.Shanmugam



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10.Subramani

11.The Executive Officer,
Ayyaloor Town Panchayat,
Dindigul District.

.... Respondents

[R7 to R10 are impleaded vide Court order dated 30.08.2022
R11 is impleaded vide Court order dated 13.10.2022]

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 5 not to allow the 6th respondent and his men and agents, people to bury and burn the corpse or raising any tomb in the private land in S.No.1135/5A to an extent of 13.50 acres and further order exhume the corpse of Venkan son of Karuppiah buried on 13.05.2015.

For Petitioner	: Mr.Joseph Jerry for Mr.R.Suresh Kumar
For R1 to R5 & R11	: Mr.A.Baskaran Additional Government Pleader
For R6	: Mr.K.Neelamegam
For R7 to R10	: No Appearance

ORDER

The present writ petition has been filed seeking writ of mandamus forbearing the respondents 1 to 5 from allowing the sixth respondent to bury any dead body in S.No.1135/5A to an extent of 13.50 acres.



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2. According to the learned counsel for the petitioner, the land in dispute belongs to the petitioner and he is the owner of the property. It is represented that the sixth respondent has filed a civil suit with regard to the same survey number and the same is pending. The sixth respondent has already buried a dead body and he had passed away and his body was also buried in the said patta land.

3. According to the learned counsel for the petitioner, in view of Section 279 of the Tamil Nadu District Municipalities Act, 1920, burial of dead body can take place only in the place which is authorised by the Town Panchayat or the Municipality, as the case may be and they are governed by specific rules. The sixth respondent or his legal heirs cannot bury the dead body in a patta land without any licence from the 11th respondent herein.

4. The 11th respondent is present in person. On instructions, the learned Additional Government Pleader appearing for the 11th respondent submitted that, as on date, dead bodies are not buried in the said patta land. If any burial takes place, necessary action will be taken. This statement is recorded.



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5. In view of the same, this Writ Petition is disposed of. As far as exhumation of corpse already buried in the said land is concerned, the authorities will initiate necessary action after the disposal of the civil suit. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.11.2022

Index : Yes / No
Internet : Yes / No
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4. The Inspector of Police,
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5. The Village Administrative Officer,
Ayyaloor Village,
Vedachandur Taluk,
Dindigul District.
6. The Executive Officer,



Ayyaloor Town Panchayat,
Dindigul District.

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R.VIJAYAKUMAR,J.

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