



W.P.(MD)No.26442 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

CORAM

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

W.P(MD)No.26442 of 2022

S.Pannirukai Selvan

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

3.The Thasildar,
Sathankulam Taluk,
Tuticorin District.

4.Manuvel Durairaj

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to take necessary action by way of acquiring the land for pathway to the burial ground under Section 3(f) of Land Acquisition Act, 1894, if the property in S.No.161/9, situated at, Thalavaipuram, Sathankulam Village, Sathankulam Taluk, Tuticorin District, wholly belongs to the 4th respondent herein, on the basis of the petitioner's representations dated 19.10.2022 and 14.11.2022, within the time



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stipulated by this Hon'ble Court.

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For Petitioner : Mr.J.C.Rathnavel Pandian

For Respondents 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

* * *

ORDER

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

This Writ Petition has been filed by the petitioner, seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action by way of acquiring the land for pathway to the burial ground under Section 3(f) of Land Acquisition Act, 1894, if the property in S.No.161/9, situated at, Thalavaipuram, Sathankulam Village, Sathankulam Taluk, Tuticorin District, wholly belongs to the 4th respondent herein, on the basis of his representations dated 19.10.2022 and 14.11.2022, within a time frame.

2. Heard Mr.J.C.Rathnavel Pandian, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 4th respondent is dispensed with.

4. Alleging that the people residing in Thalavaipuram, Sathankulam Village are having burial ground in S.No.161/8, for which they are using S.No.161/9, belongs to the 4th respondent, as a pathway and now the 4th respondent has fenced the pathway and thereby prevented the people from reaching the burial ground and claiming pathway to the burial ground by acquiring the land in S.No.161/9, situated at, Thalavaipuram, Sathankulam Village, Sathankulam Taluk, Tuticorin District, for pathway, the petitioner submitted a representation to the official respondents on 19.10.2022, followed by another representation dated 14.11.2022 and the same, according to the learned counsel for the petitioner, remain as such. Hence, the Writ Petition.

5. 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 third respondent to dispose of his representations dated 19.10.2022 and 14.11.2022, within a time frame.



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6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representations or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the third respondent to consider the representations of the petitioner dated 19.10.2022 and 14.11.2022, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, the 4th respondent and any other parties concerned, and take a decision either to provide burial ground or pathway to the existing burial ground within a period of six weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
01.12.2022

Internet : Yes / No

Index : Yes / No

sj

To

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Tuticorin District,
Tuticorin.



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