



W.P.No.2935 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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G.Sokkalingam

Vs

...Petitioner

- 1.The District Collector,
Kallakurichi District,
Kallakurichi.
- 2.The Superintendent of Police,
Kallakurichi District,
Kallakurichi.
- 3.The Executive Engineer,
State Highways, Kallakurichi,
Kallakurichi District.
- 4.The Revenue Divisional Officer,
Kallakurichi, Kallakurichi District.
- 5.The Tahsildar, Kallakurichi Taluk,
Kallakurichi District.
- 6.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.
- 7.The Block Development Officer,
Kallakurichi Union, Kallakurichi.



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8.The President, Namasivayapuram
Village Panchayat, Kallakurichi
Taluk, Kallakurichi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents not to allow anyone to bury or cremate dead bodies except in the designated cremation/burial ground in Survey Nos.49/2 and 173, Namasivayapuram Village, Thottiyam Post, Kallakurichi Taluk and District by considering the petitioner's representation dated 28.9.2022.

For Petitioner : Mr.R.Jayaprakash

For Respondents 1 to 6 : Ms.Akila Rajendran,
Government Advocate

For Respondents 7 & 8 : K.Suresh,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed this writ petition seeking a direction to the respondents to consider his representation dated 28.9.2022 for not allowing anyone to bury or cremate dead bodies except in the designated



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cremation/burial ground in Survey Nos.49/2 and 173, Namasivayapuram Village, Thottiyam Post, Kallakurichi Taluk and District.

3. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authorities would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 28.9.2022 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons who may be interested in the subject property, within a period of twelve weeks from the date of receipt of a copy of this order. It is made



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clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

To

1. The District Collector, Kallakurichi District, Kallakurichi.
2. The Superintendent of Police, Kallakurichi District, Kallakurichi.
3. The Executive Engineer, State Highways, Kallakurichi, Kallakurichi District.
4. The Revenue Divisional Officer, Kallakurichi, Kallakurichi District.
5. The Tahsildar, Kallakurichi Taluk, Kallakurichi District.
6. The Inspector of Police, Chinnasalem Police Station, Kallakurichi District.
7. The Block Development Officer, Kallakurichi Union, Kallakurichi.
8. The President, Namasivayapuram Village Panchayat, Kallakurichi Taluk, Kallakurichi District.

RS/hvk

Note: Issue order copy on 03.05.2023



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M.S.RAMESH,J.

RS/hvk

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