



WEB COPY

WP No.26821 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-06-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.26821 of 2015

And

MP No.1 of 2015

K.S.Jailaane

... Petitioner

Vs.

- 1.The Collector,
Cuddalore.
- 2.The Tahsildar,
Chidambaram.
- 3.The Tahsildar,
Bhuvanagiri.
- 4.The President,
Kothattai, Panchayat,
Bhuvanagiri Taluk.
- 5.The Chairman,
TANGEDCO,
Chennai.



6. The Chairman,
IL & FS Tamil Nadu,
Power Company Ltd.,
Karikuppam,
Bhuvanagiri Taluk,
Cuddalore District.

7. The Managing Director,
IL & FS Tamil Nadu,
Power Company Ltd.,
Karikuppam,
Bhuvanagiri Taluk,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents and their agents, from using or permitting use of any portion of New S.No.223/1 Ac.7.68 in Kothattai Village, now Bhuvanagiri Taluk, Cuddalore District as a burning ghat or burial ground.

For Petitioner : Mr.R.Gururaj

For Respondents-1 to 3 : Mr.D.Ravichander,
Special Government Pleader.

For Respondent-4 : Mr.P.Sanjay Gandhi

For Respondent-5 : Mr.Venkata Seshaiya,
Standing Counsel for TANGEDCO.

For Respondents-6 and 7: Mr.S.Arun Prakash



WEB COPY

WP No.26821 of 2



ORDER

The relief sought for in the present writ petition is to forbear the respondents and their agents, from using or permitting use of any portion of New S.No.223/1 Ac.7.68 in Kothattai Village, now Bhuvanagiri Taluk, Cuddalore District as a burning ghat or burial ground.

2. The learned counsel for the petitioner states that the petitioner is the absolute owner of the following properties in Kothattai Village, now Bhuvanagiri Taluk, Cuddalore District.

New S.No.223/1 Ac.2.21 out of Ac.7.68

New S.No.223/3 Ac.0.31

New S.No.223/5 Ac.0.21

Total Ac.2.73

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3. The petitioner states that the aforesaid properties are the ancestral properties and the petitioner is in possession and enjoyment of the same.

4. The grievance of the petitioner is that the properties belonging to him have been illegally utilised as a public pathway for reaching the burial/burning ground and the objection raised by the petitioner has not been considered by the Tahsildar and the District Collector. Therefore, the petitioner is constrained to move the present writ petition.

5. In view of the allegations raised by the petitioner that his properties are utilised as public pathway to carry the dead bodies to reach the burial/burning ground, this Court by an order dated 06.06.2023 directed the Tahsildar, Bhuvanagiri to appear and answer the allegations raised by the petitioner on 12.06.2023.

6. Today, i.e., on 12.06.2023, Mr.V.Sivakumar, Tahsildar, Bhuvanagiri Taluk, Cuddalore District, is present before this Court.



WEB COPY

WP No.26821 of 2



7. The learned counsel for the sixth respondent is also present.

8. The learned Special Government Pleader appearing on behalf of the official respondents made a submission that the burial/burning ground situated in a private property belonging to the sixth respondent. The sixth respondent acquired vast extent of 500 acres of land and running a Company.

9. In the portion of the land, the sixth respondent-Company allowed the people of that locality to bury and burn the dead bodies and for this purpose, the Local Authority also has given permission under the provisions of the Statute.

10. The learned counsel for the sixth respondent reiterated that the sixth respondent granted permission in their own land for the benefit of the people of that locality. However, the said area has been under the usage of that villagers as burial ground for long years. Thus the sixth respondent is not willing to raise any objection for the said activities in the area and



appropriate permission also has been obtained from the Local Authority.

WEB COPY

11. The learned Special Government Pleader appearing on behalf of the official respondents contended that the 'Thaar Road' formed to reach the burial ground is the public road and not the private property.

12. The dead bodies are taken away through public road, which is 'Thaar Road' to reach the burial/burning ground. No doubt, the petitioner's property is situate near by the burial/burning ground and in order to gain more market value, the petitioner is unnecessarily raising an objection in this regard.

13. The learned counsel for the sixth respondent states that the petitioner is in possession of the land and the sixth respondent-Company was not willing to approach the land belonged to the petitioner. Thus ignited the petitioner to raise an objection regarding the burial/burning ground.

14. May that as it be, this Court is of the considered opinion that the burial/burning ground situated in a private land belonging to the



sixth respondent-Company and the Local Authority has granted permission under the provisions of the Act. If at all any dispute arises regarding title or otherwise, the petitioner has to approach the Competent Civil Court of Law and for adjudication of issues.

15. Prima facie, the petitioner has not made out any case for the purpose of interference.

16. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

12-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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WEB COPY

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S.M.SUBRAMANIAM, J.

Svn

WP 26821 of 2015

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