



WEB COPY



W.P.No.7086 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.7086 of 2023
and
WMP.No.7163 of 2023

M.Rajendiran

...Petitioner

Vs.

1. The District Collector,
CV Naidu Salai, Thiruvallur-602 001.
2. The Revenue Divisional Officer,
Thiruvallur Divison,
JN Road, Thiruvallur-602 001.
3. The Tahsildar,
Tiruvallur Taluk,
JN Road, Thiruvallor-602 001.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein not to permit any of the Villagers or other from burying or burning or cremating any dead bodies in the western side of the petitioner's property measuring an extent of 8.02 cents comprised in Survey Nos.614/1, 2 and 3 in Pungathur Village , Thiruvallur Taluk and District based on the petitioner's representation dated 08.03.2021.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.E.Veda Bagath Singh, Spl.GP



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ORDER

The petitioner has filed this Writ petition seeking direction to the respondents to consider the petitioner's representation dated 08.03.2021 and to consequently forbear the Villagers or others from burying or burning or cremating any dead bodies in the western side of the petitioner's property.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for the respondents. In view of the consent expressed by the Learned counsel on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he claims to be the owner of the agricultural lands comprised in S.Nos.614/1, 614/2 & 614/3, measuring an extent of 3.47 Acres, 2.90 Acres and 1.65 Acre respectively, situated at Pungathur Village, Thiruvallur District and the petitioner is in absolute possession and enjoyment of the said properties. Adjacent to the petitioner's lands, there is a Government Poromboke land in S.No.612/3, which has been used as burial ground and the same is maintained by the concerned local body. While so, despite having the said separate burial ground, the villagers are using the Western side of the petitioner's agricultural lands for



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the purpose of burying the dead body. Aggrieved by the said action of the villagers, the petitioner made a representation dated 08.03.2021 before the respondents, seeking to forbear the villagers from using his land as burial ground, however, till date, no orders have been passed on the said representation. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 08.03.2021 and to consequently, forbear the villagers from burying, burning or cremating any dead bodies in the Western side of the petitioner's property.

5. Learned Special Government Pleader appearing for the respondents submitted that, pursuant to the representation dated 08.03.2021 made by the petitioner, the 3rd respondent, vide letter dated 06.03.2023 directed the Municipal Commissioner, Tiruvallur Municipality to take necessary action to forbear any of the Villagers or others from burying or burning or cremating any dead bodies in the petitioner's property and submit a report to that effect.

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6. In view of the aforesaid submission made by the learned Special Government Pleader, this Court without expressing any opinion on the merits of the case, directs the Municipal Commissioner, Tiruvallur Municipality to implement the letter of the 3rd respondent / The Tahsildar dated 06.03.2023 within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if there is no legal impediment.

7. Accordingly, this Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2023

rap

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No
To

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