



WEB COPY



WP No.15779 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 15779 of 2019
and
Writ Miscellaneous Petition No. 5717 of 2020

V. Supiramani

.. Petitioner

Versus

1. The District Collector
Villupuram District.
2. The District Revenue Officer
Villupuram.
3. The Tahsildar
Gingee Taluk
Villupuram District.
4. The Village Administrative Officer
Annamangalam Village
Gingee Taluk, Villupuram District.
5. The Inspector of Police,
Valathi Police Station, Gingee Taluk,
Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation letter dated 11.04.2019 filed by the petitioner and further



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directing the respondents to remove the encroachment of road poramboke land in burial of dead body by the un known persons in Annamangalam Village, Gingee Taluk, Villupuram District.

For Petitioner : Mr. S. Ramajayam
For Respondents : Mr. A. Selvendran,
Special Government Pleader

ORDER

[Order of the Court was made by R. MAHADEVAN, J]

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 11.04.2019 and consequently direct them to remove the encroachments made in the land classified as Road Poromboke in Annamangalam Village, Gingee Taluk, Villupuram District.

2. According to the petitioner, he is the owner of the lands comprised in Survey Nos. 225/2, 225/1A, 225/B and 225/4 in Annamangalam Village, Gingee Taluk, Villupuram District, having purchased them by means of registered sale deeds in the year 1992. It is further stated by the petitioner that there is a road leading to his lands and it is his only access for his ingress and egress. It is also stated that adjacent to his lands, there is a burial ground in which dead bodies will be buried. However, the Villagers started burying the dead bodies in the road leading to the petitioner's lands without



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cremating/burying them in the space earmarked for such purpose. In this context, the petitioner submitted a representation on 11.04.2019 to the respondents 1 to 3 to take appropriate action to prevent the Villagers from burying or cremating the dead bodies in the land classified as road, which is being used by him to reach his lands. However, the said representation dated 11.04.2019 has not been acted upon, hence, the present writ petition is filed.

3. The learned counsel for the petitioner submitted that The Tamil Nadu Village Panchayats (Provision of burial and burning grounds) Rules, 1999 specifically provides that every Village Panchayat shall provide exclusive place for burial or cremation of dead bodies and that the dead bodies shall not be buried or cremated in any other place than the one earmarked for such purpose. In this case, even though a burial ground is in existence adjacent to the lands of the petitioner, the Villagers bury or cremate the dead bodies in the road leading to his lands, as a result of which the petitioner is unable to use the road which serves as the only access to reach his lands. The learned counsel therefore prayed for issuing appropriate direction to the respondents 1 to 3 to consider the representation dated 11.04.2019 of the petitioner and to ensure that the dead bodies are buried/cremated only in the burial ground and to take appropriate action against those who contravenes it.



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4. The learned Special Government Pleader appearing for the respondents, by placing reliance on the status report filed by the third respondent, submitted that the land comprised in Survey No. 215, classified as "Panchayat Union Road Poromboke land" has been used by the Villagers of Annamangalam to bury the dead body of one Kasi, who died on 27.03.2018. Similarly, another dead body was also buried in the very same land, classified as road poromboke. On enquiry, it was informed that the burial ground is situated far away and therefore, the dead body has been buried in the said land. It is further stated in the status report of the third respondent that the land in Survey No. 215 comes under the control of Rural Development and Panchayat Raj Department and the Block Development Officer, Melmalayanur, Villupuram District is the competent authority to take appropriate action in this regard. However, the learned Special Government Pleader fairly submitted that the representation dated 11.04.2019 of the petitioner would be considered by the third respondent on merits and in accordance with law within a time frame to be stipulated by this Court.

5. In view of the above, this Court, without going into the merits of the case, directs the third respondent herein to consider the petitioner's representation dated 11.04.2019, if not considered earlier and pass appropriate



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orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and all the parties concerned within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment made, as complained by the petitioner, the respondents shall take steps to remove the same by following the due process of law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

(R.M.D., J) (M.S.Q., J)
21.02.2023

ay/rsh

Index: Yes / No

Speaking Order / Non-speaking Order

To

1. The District Collector
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2. The District Revenue Officer
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