



WEB COPY

WP No.33784 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.33784 of 2016

Mr.M.Venkatachalam

... Petitioner

Vs.

1.The District Collector of Vellore District,
Vellore.

2.The Revenue Divisional Officer,
Ranipet,
Vellore District.

3.The Tahsildar,
Nemili Taluk,
Nemili District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to provide a suitable path/alternative way to the burial/cremation ground to carry the dead bodies of the relatives of the villagers in Thenmambakkam Village, near Arakonam, Nemili Taluk, Vellore District expeditiously without any



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obstruction/difficulty as per law.

For Petitioner : Mr.M.A.Abdul Wahab for
M/s.K.V.Subramanian and
Associates.

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader.

ORDER

The relief sought for in the present writ petition is to direct the respondents to provide a suitable path/alternative way to the burial/cremation ground to carry the dead bodies of the relatives of the villagers in Thenmambakkam Village, near Arakonam, Nemili Taluk, Vellore District.

2. The petitioner states that Thenmambakkam Village near Arakonam, Vellore District has one cremation/burning ground, which has been used as a cremation place of dead bodies of the said village people for so many years.



3. The cremation ground is situated around 3000 feet from the village. It was a custom followed for more than 100 years, by the said Thenmambakkam Village to carry the dead bodies through private lands belonging to three persons, viz., M/s.Ganesa Mudaliar, Muthu Mudaliar and Mr.Govindaraja Mudaliar. One of the owners of the property raised certain objections to carry the dead bodies through this land to reach the cremation ground.

4. In order to avoid further disputes among the villagers, the petitioner made a representation to the Authorities to provide an alternate route for the purpose of carrying the bodies to reach the cremation ground. Since it was not considered, the petitioner is constrained to move the present writ petition.

5. Today i.e., on 13.04.2023, Smt.S.Sumathi, Tahsildar, Nemili Taluk, Ranipet District (Mobile No.9500668681) is present before this Court and assisted the learned Additional Government Pleader appearing on behalf of the respondents, submitted a copy of the Sketch showing that the



alternate route has already been made available to carry the dead bodies to reach the cremation ground in that locality. Some people are using the existing pathway also, but the existing pathway is going through private lands.

6. In order to avoid conflicts among the villagers, a new route has also been created and there is no problem for the villagers to use the alternate route for the purpose of reaching the cremation ground. Thus the two routes are available at present to reach the cremation ground and thus the villagers are at liberty to utilise the pathway made available to them without creating conflict or otherwise amongst the villagers.

7. Thus the issues are to be resolved amicably even by the villagers. If at all any dispute arises amongst the villagers or any objections are raised by the private land owners for the purpose of carrying the dead bodies to reach the cremation ground, then the Revenue Authorities have no objection to institute appropriate action for acquiring the lands for the purpose of providing pathway to carry the dead bodies to reach the cremation ground. Thus the respondents are directed to provide this



pathway, in the event of any dispute amongst the villagers or between the private land owners and the villagers. Accordingly, the Government has to initiate action to create pathway on permanent basis, if necessary by acquiring the land in the interest of public at large.

8. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs.

13-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.

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