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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.17562 of 2023
and W.M.P No.16682 of 2023

Mr.Singaravelu

Petitioner

vs.

1.The District Collector,
Thirupathur District,
Thirupathur.

2.The Tahsildar,
Natrampalli Taluk,
Natrampalli, Thirupathur District.

3.The Village Administrative Office,
Patchur Village,
Natrampalli,
Thirupathur District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the proceedings No. OMU/Aa/184/2022 dated 4.11.2022 passed by 2nd respondent quash the same as illegal against the provision of Rule 7 of Tamil Nadu Village Panchayats (Provision of burial and burning grounds) Rules, 1999 and consequently directing the 1st respondents to consider petitioner representation dated 27/02/2023 by allowing Patchur village people to use Survey No.372 and 373 of Patchur village as burial ground as used from the past.



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For Petitioner : Mr.S.T.Raja

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 04.11.2022 and for a consequential direction to the respondents to permit burial and burning of dead bodies by the Patchur Village people only at S.No.372 and 373.

2.When the matter came up for admission on 14.06.2023, this Court directed the learned Special Government Pleader to take instructions.

3.When the matter was taken up for hearing today, the learned Special Government Pleader submitted that Survey No.372 and 373 are water bodies and therefore, the same cannot be used as a burial ground or burning ground for the dead bodies. Insofar as S.No.378 is concerned, the revenue records shows that it is categorized as oni/sudukadu. The learned Special Government Pleader submitted that the petitioner has been in occupation of the property which is 300 meters away from the burial ground, for the last 15 years and for the first time, the petitioner has made a complaint to restrain S.No.378 from being used



as a burial ground. It was further submitted that the place is not used as a burial ground regularly and there is a practice for the village people in that locality to do the burial/cremation in their own land.

4. In the considered view of this Court, the petitioner was aggrieved when the burial took place at S.No.378 during July 2022. On carefully going through the impugned proceedings of the 2nd respondent, it can be seen that the place is not being regularly used as a burial ground. The burial/cremation happens only sporadically once in a while. The property in S.No.378 has been categorized as a oni/sudukadu. In view of the same, the respondents cannot be directed to completely ban the S.No.378 being used as burial ground. However, this property has also been categorized as a oni which means a water body. Hence, the respondents will have to necessarily identify another place as burial ground and that place should not be a water body and it must be in line with the Tamil Nadu Village Panchayats (Provisions of burial and burning grounds) Rules, 1999. Till this arrangement is done, the present *status quo* shall be maintained. Except giving this clarity, no further orders can be passed in this writ petition.



N. ANAND VENKATESH, J.

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5.This writ petition is disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petition is closed.

16.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

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Thirupathur.
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