



WP No.24415 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WP No.24415 of 2023

G.Raman

... Petitioner

-VS-

1. The District Collector,
Kallakurichi District.
2. The Revenue Divisional Officer,
Sankarapuram Taluk,
Kallakurichi District.
3. The Revenue Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.
4. The Village President,
Pallagacherry Village Panchayat,
Sankarapuram Taluk,
Kallakurichi District.

5. Dhandayuthapani

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st to 4th respondents to

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exhume the dead bodies from the 5th respondent's agricultural land in Survey No.80/3, Pallagacherry Village, Sankarapuram Taluk, Kallakurichi District and relocate the same in the burial ground in Survey No.76/1, Pallagacherry Village, Sankarapuram Taluk, Kallakurichi District, by considering the petitioner's representation dated 15.05.2023 preferred to the 1st respondent in accordance with law within the time stipulated by this Court.

For the Petitioner : Mr.S.Mohamed Ansar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
For RR 1 to 4

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Mohamed Ansar, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 to 4.

2. The learned counsel for the petitioner submits that the mother, father and brother of respondent No.5 are buried in the private agricultural land bearing S.No.80/3. The same is illegal.

3. The learned State Government Pleader, on instructions, submits that the mother of respondent No.5 was buried in the year



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1995, father was buried in the year 2006 and the brother Kandhasamy was buried in the year 2020. There is a dispute between the petitioner and respondent No.5.

4. This petition appears to be a personal interest litigation as there appears to be a feud between the petitioner and respondent No.5.

5. Be that as it may, the respondent authorities cannot permit burial of a person in a private land or any other land except on a land where licence has been given by the authorities. The respondent authorities shall ensure that no burial takes place in the village on a land other than the licensed one.

With these observations, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

21.08.2023

Index : Yes/No
Neutral Citation : Yes/No
sra



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(sra)

To

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