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W.P.No.24140 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 22.08.2023**

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.24140 of 2023**

Mrs.K.Santha

... Petitioner

Vs.

- 1.The Collector,  
Namakkal District, Namakkal.
- 2.The District Revenue Officer,  
Namakkal District, Namakkal.
- 3.The Revenue Divisional Officer,  
Rasipuram Taluk, Namakkal District.
- 4.The Tahsildar,  
Rasipuram Taluk, Namakkal District.
- 5.The Revenue Inspector,  
Rasipuram Taluk, Namakkal District.
- 6.The Village Administrative Officer,  
Akkaraipatti Village, Rasipuram Taluk,  
Namakkal.



7. The State of Tamilnadu,  
Rep. by its Superintendent of Police,  
District Commissionerate,  
Namakkal.

8. The State of Tamil Nadu,  
Rep. by its Inspector of Police,  
Vennanthur Police Station,  
Vennanthur, Rasipuram Taluk,  
Namakkal District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove / exhume the dead bodies buried in the southern boundary of the lands in S.No.333/5A & 333/5B, Akkaraipatti Village, Rasipuram Taluk, Namakkal District measuring an extent of 0.88 Acres belonging to the petitioner and relocate / bury them in the notified burial ground situate at Thottipatti Panchayat, Rasipuram Taluk, Namakkal District by considering petitioner's various representation's and to ensure protection of personal property by not permitting any burial in future.



For Petitioner : Mr.T.S.Vijaya Raghavan  
For R1 to R6 : Mr.T.Arunkumar,  
Government Advocate  
For R7 & R8 : Mr.S.Vinoth Kumar,  
Government Advocate (Crl.Side)

### **ORDER**

The relief sought for in the present Writ Petition is to direct the respondents to remove / exhume the dead bodies buried in the southern boundary of the lands in S.No.333/5A & 333/5B, Akkaraipatti Village, Rasipuram Taluk, Namakkal District measuring an extent of 0.88 Acres belonging to the petitioner and relocate / bury them in the notified burial ground situate at Thottipatti Panchayat, Rasipuram Taluk, Namakkal District by considering petitioner's various representation's and to ensure protection of personal property by not permitting any burial in future.

2. The petitioner states that she is the absolute owner of the land measuring 0.88 acres in S.No.333/5A and 333/5B, Akkaraipatti Village, Rasipuram Taluk, Namakkal District. The petitioner and her family



members have relocated to Salem 39 years ago and due to lack of proper rains in the subject property, the petitioner is unable to cultivate the lands.

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Certain people from a particular community trespassed into the lands belonging to the petitioner and started burying dead bodies in the southern portion. The trespass continued despite the complaints given to the police by the petitioner. The area trespassed is roughly around 24 cents. The family members of the petitioner have made several efforts to stop the activities and their efforts went in vain.

3. The learned counsel for the petitioner states that illegal activities of trespassing into the private properties cannot be allowed and therefore, appropriate directions are to be issued to prevent the people to trespass and bury the dead bodies in the patta land belonging to the petitioner.

4. The learned counsel for the petitioner states that one person viz., Jayaprakash, who suspiciously died in a quarry was buried in the subject property belonging to the petitioner. The petitioner had informed the same to the police, but the police have failed to take any action in this regard.



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5. With reference to such burial of a dead body in a suspicious manner, the police is bound to conduct an investigation and institute all appropriate actions. The petitioner is concerned since dead bodies were buried in an illegal manner in a patta land. The authorities are not expected to be insensitive towards such stray incidents and are expected to act immediately by following the procedures as contemplated under law.

6. The Tahsildar, Rasipuram, has filed written instructions vide letter dated 14.08.2023, wherein he has categorically admitted the fact that the dead bodies are buried in the land belonging to the petitioner, more specifically on the southern portion. The authorities themselves admitted the fact that the dead bodies are buried by a particular community in the lands belonging to the petitioner. The respondents have further stated that they are ready to acquire the land for the purpose of maintaining the said portion of the land as burial ground for the people of that locality.



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7. In alternate, the respondents may consider grant of an alternate land to the petitioner in lieu of the lands to be taken for the purpose of burial ground. However, such negotiations cannot be undertaken in a writ proceedings and the authorities competent have to initiate actions to negotiate the issues with the petitioner and settle the issues in the interest of the parties.

8. In the process of acquiring the land, suitable compensation is to be paid by following the procedures. The respondents may provide an alternate land in lieu of the land taken away for the purpose of burial. All such issues can be adjudicated.

9. In view of the facts and circumstances, the respondents are directed to negotiate the issues with the petitioner by fixing date and time and accordingly, resolve the issues in an amicable manner and compensate the petitioner suitably in the manner known to law. The said exercise is directed to be completed within a period of six (6) months from the date of receipt of a copy of this Order.



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Accordingly, the Writ Petition stands disposed of. No costs.

**22.08.2023**

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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Namakkal District, Namakkal.
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**S.M.SUBRAMANIAM, J.**

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