



W.P.No.5777 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM :

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

AND

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

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Association of Consumer and
Environment Protection and Watch (ACEPW)
Regn No.6/2005, Rep. by its General Secretary
S.Jothi Venkatesan, 68/A1
Jayashankar Colony, Hosur
Krishnagiri.

.. Petitioner

Vs

- 1 The Director
Rural Development and Panchayat Directorate
Panagal Malligai, Saidapet
Chennai-15.
- 2 The District Collector
Krishnagiri District.
- 3 The Assistant Director (Panchayats)
Krishnagiri.
- 4 The Executive Engineer
Public Works Department
Melpennaiyaru Basin Division
Dharmapuri.



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5 The Block Development Officer
Block Development Office
Thalli.

6 The President
Thalli Panchayat Union
Thalli, Krishnagiri.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to remove the encroachment in Onnammal Eri/Tank, water body at Survey No.115, Tharavendiram Revenue Village, B.B.Palayam Village, Denkanikotta, Krishnagiri District, pursuant to the proceedings of the 4th respondent in Letter No.694M/Ko51/2016/V2, dated 22.12.2016 and further to allot burial/cremation ground at Survey No.95, Tharavendiram Revenue Village, B.B.Palayam Village, Denkanikotta, Krishnagiri District.

For the Petitioner : Ms.R.Poornima

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 4
: Mr.N.Elumalai
for 5th respondent
: No appearance
for 6th respondent

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Ms.R.Poornima, learned counsel for the petitioner; Mr.P.Muthukumar, learned State Government Pleader for



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respondents 1 to 4; and Mr.N.Elumalai, learned counsel for the fifth respondent.

2. The petitioner seeks directions against the respondents to remove the encroachment in Onnammal Eri/Tank, water body at Survey No.115 and further to allot burial/cremation ground at Survey No.95.

3. Learned State Government Pleader, on instructions, submits that the encroachment in Survey No.115, i.e., water body, has been removed.

4. As far as the allotment of land for burial/cremation ground is concerned, learned State Government Pleader submits that procedure is prescribed under the Tamil Nadu Panchayats Act, 1994.

5. In the light of that, the petitioner may take recourse to the provisions of the Tamil Nadu Panchayats Act, 1994 by filing



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necessary application. If such application is filed, the authorities shall consider the same on its own merits expeditiously.

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.)

28.06.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

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

(sasi)

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