



W.P.No.34177 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.12.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.34177 of 2023

Sivagami

... Petitioner

Vs

- 1.The District Collector,
District Collector Office,
Erode-638 011.
- 2.The District Revenue Officer,
District Revenue Office,
Collector Office Building,
Perundurai Road,
Erode-638 011.
- 3.The Revenue Divisional Officer,
Revenue Divisional Officer,
P.S.Park, Erode-638 001.
- 4.The Thasildhar,
Revenue Thasildhar Officer,
Perundurai, Erode District-638 052
- 5.The Village Administrative Officer,
Village Administrative Officer,
Pallapalayam -618 116



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- 6.The Panchayat president,
Pallapalayam Panchayat Office,
Perundhurai Circle, Pallapalayam – 618 116
- 7.The Chief Superintending,
Highway Dept, Trichy Road,
Coimbatore-641 114
- 8.The Chief Divisional Engineer,
Tamilnadu Road Development Scheme, Unit-1,
Highway Dept, Room no.416, 4th Floor, District Collector Office Complex
- 9.The Senior Assistant Divisional Engineer,
Highways Dept, Kacherimedu,
Gopichettipalayam-638 452
- 10.Anandham
- 11.Govindhasamy
- 12.Kolandha Gounder
- 13.Rangasamy ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st to 9th respondents to take action against the 10th to 13th respondents for burying dead body in place other than the place designated for burying and burning dead persons situated in R.S.No.736/2, 3 of Pallapalayam Village and exhume the body from the land located at R.S.No.736/2, 3 of Pallapalayam Village and bury the same in the



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designated burial ground situated at R.S.No.868/3 of Pallapalayam Village and pass suitable orders as deem fit.

For Petitioner : Ms.M.Kruthika

For Respondents : Mr.J.C.Durairaj (R1 to R5 and R7 to R9)
Additional Government Pleader
Mr.G.Nanmaran (R6)
Special Government Pleader

ORDER

Mr.J.C.Durairaj, learned Additional Government Pleader accepts notice for R1 to R5 and R7 to R9 and Mr.G.Nanmaran, learned Special Government Pleader accepts notice for R6. They are armed with requisite instructions to enable final disposal of this Writ Petition, even at the stage of admission. In light of the order that is proposed to be passed now, no notice is thought necessary to private respondents, arrayed as R10 to R13.

2. The petitioner seeks a mandamus directing the official respondents to take action as against the private respondents for burying a dead body in R.S.No.736/2, 3 of Pallapalayam Village ('property'/'property in question'). She also seeks a direction for exhuming of the body from the aforesaid land and re-burial of the same in the designated burial ground at S.No.868/3 of Pallapalayam Village.

3. The petitioner has made various averments in the Writ affidavit in regard to her claim as to the property where the body is buried. She has also



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made a due disclosure in regard to the filing of suit in O.S.No.311 of 2023 that was originally filed on the file of the Vacation Civil Judge, Erode and transferred thereafter to the file of District Munsif Court, Perundurai and re-numbered as O.S.No.55 of 2023.

4. In the aforesaid Suit, the official respondents, arrayed as R1 to R9 in this Writ Petition, have been arrayed as defendants. The petitioner has sought a permanent injunction as against the official respondents from entering upon the property and converting the same to a burial ground. She further avers in the writ affidavit that the defendants in the suit/official respondents in this Writ Petition have filed a written statement on 31.10.2023 to the effect that while the land will not be converted to a burial ground, it was necessary for the road development.

5. As the adjudication of the petitioner's request involves assimilation of various facts, it would be best left to be decided by the appropriate authorities. This is also for the reason that pursuant to receipt of representation dated 30.10.2023, proceedings குறிப்பாணை எண் 13/2023-17/ஆ2 dated 08.11.2023 have been issued by R9, being the Senior Assistant Divisional Engineer, Highways Department indicating that the matter is under due consideration of the respondents.



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6. For the aforesaid reasons, mandamus is issued to R1, being the District Collector, Erode, to consider the representation of the petitioner dated 30.10.2023, hear her as well as the private respondents, receive a report from R9 and call for reports as well as inputs from other official respondents, if deemed necessary, and pass orders on the representation, in accordance with law, within a period of eight (8) weeks from date of receipt of a copy of this order.

7. This Writ Petition stands disposed as above. No costs.

12.12.2023

Index : Yes / No
Speaking order
Neutral citations: Yes
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Collector Office Building,
Perundurai Road, Erode-638 011.

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3. The Revenue Divisional Officer,



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