



1

W.P.(MD)NO.5573 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5573 of 2023 AND
W.M.P.(MD)No.5201 of 2023

Visuvasam

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Superintendent of Police,
Tirunelveli.
3. The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.
4. The Tahsildar,
Nanguneri,
Tirunelveli District.
5. The Block Development Officer(Village Panchayat),
Kalakkadu,
Tirunelveli District.
6. The Inspector of Police,
Kalakkadu police station,
Tirunelveli District.
7. Selvam

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from permitting the 7th respondent or any other persons claiming under him for burying or cremating the dead bodies in the petitioner's exclusive patta land bearing Survey No.490 of Keezha Karuvelankulam Village, Nanguneri Taluk, Tirunelveli District by considering the petitioner's representations dated 18.02.2023.

For Petitioner : Mr.K.Govindarajan,
for Mr.V.Sasikumar.

For R-1, R-3,
R-4 & R-5 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.

For R-2 & R-6 : Mr.A.Albert James,
Government Advocate.

* * *

ORDER

Heard both sides.

2. It is beyond dispute that the petition-mentioned land is the writ petitioner's patta land. The question is whether in the said patta land, dead body can be allowed to be buried.



3. This issue is no longer *res integra*. The Hon'ble Full Bench of this Court in the decision reported in **2023 (4) CTC 481 (Jagadheeswari V. B.Babu Naidu)** had held that any burial in the non-notified place will be in contravention to the statutory rule. Therefore, this writ petition stands allowed. It is of course open to the authorities to acquire the petition-mentioned land in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Superintendent of Police, Tirunelveli.
3. The Sub-Collector,
Cheranmahadevi, Tirunelveli District.
4. The Tahsildar,
Nanguneri, Tirunelveli District.
5. The Block Development Officer(Village Panchayat),
Kalakkadu, Tirunelveli District.
6. The Inspector of Police,
Kalakkadu police station, Tirunelveli District.



WEB COPY



4

W.P.(MD)NO.5573 OF 2023

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.5573 of 2023

18.10.2023