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W.P.(MD)NO.8979 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.8979 of 2023

Sengol

... Petitioner

Vs.

1. The District Collector,
Pudukottai,
Pudukottai District.
2. The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.
3. The Block Development Officer,
Avudaiyarkovil,
Pudukottai District.
4. The Tahsildar,
Avudaiyarkovil,
Pudukottai District.
5. Innamuthu
6. Raju
7. Thresamma
8. Rosamani

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to take necessary action to remove the encroachment made by the respondents 5 to 8 in Periyanaayagi Aenthal Kanmaai situated at Survey No.186, Thirupunavaasal Village, Avudaiyarkovil Taluk, Pudukottai District and restore it the original position based on the petitioner's representation dated 03.03.2023.

For Petitioner : Mr.S.Poornachandran
For R-1 to R-4 : Mr.K.Balasubramani,
Special Government Pleader.
For R-5 to R-8 : Mr.V.R.Shanmuganathan

* * *

ORDER

Heard the learned counsel on either side.

2. It is beyond dispute that survey No.186, Thirupunavaasal Village in Avudaiyar Kovil Taluk has been classified only as water spread area. But a section of the villagers have unauthorisedly been using it as a burial ground. The petitioner wants the encroachment to be removed.



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3. When the matter was taken up for hearing, the learned counsel appearing for the private respondents complained that the section to which they belong are being denied by the villagers from using the common burial ground. We therefore adjourned the matter to enable the authority to make statement for making arrangements as sought for by the private respondents.

4. The official respondents have filed status report to the effect that survey No.152/4 has been classified as a burial ground which can be made use of by the section to which the private respondents belong. This statement is recorded.

5. Even though the official respondents have offered to remove even the buried bodies in survey No.186, considering that it would affect the sentiments of the villagers, we direct the official respondents to cause removal of the superstructures alone to ensure that the petition-mentioned land is not once again used as burial ground. If superstructures are allowed to remain, that would encourage



others to continue to use the site as a burial ground. The bodies already interred shall not be disturbed. This exercise shall be completed by the official respondents within a period of eight weeks from the date of receipt of a copy of this order. There is no need to issue any notice. The authorities shall ensure that the petition-mentioned survey number is kept free of any kind of encroachment.

6. This writ petition stands disposed of. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
20th JULY 2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No

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AND

B.PUGALENDHI, J.

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