



WP(MD)No.12050 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.12050 of 2021

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...Petitioner

/Vs./

1.The District Collector,
Kanyakumari District
At Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram, Thuckkalai

3.The Inspector of Police,
Nithravilai Police Station,
Kanyakumari District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to grant permission to shift the petitioner's wife's (Amutha) cemetery from frontside of the petitioner's house to backside of the petitioner's house by considering the petitioner's representation dated 06.07.2021 within a stipulated period that may be fixed by this Court.

For Petitioner	: Mr.S.Sivakumar
For R1 & R2	: Mr.K.S.Selvaganesan Additional Government Pleader
For R3	: Mr.R.Sivakumar Government Advocate (Crl.side)



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ORDER

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This writ petition has been filed for issuance of writ of mandamus directing the respondents to grant permission to the petitioner to shift the cemetery of the petitioner's wife from front side of the petitioner's house to backside of the petitioner's house by considering the representation made by the petitioner on 06.07.2021.

2. In the present case, the property comes within the jurisdiction of Methugumal Panchayat. Insofar as burial / cremation of dead bodies is concerned, it is covered by the judgment of the Full Bench of this Court in the case of *Jagadheeswari and Others vs. B.Babu Naidu and Others* reported in *2023 (2) WL Reporter 159*.

3. It is also brought to the notice of this Court by the learned Government Advocate appearing on behalf of the third respondent that the wife had died under suspicious circumstances and an FIR was also registered under Section 174 Cr.P.C. That apart, shifting of the dead body is also being opposed by the in-laws. Therefore, it was contended that law and order problem will be created, if such a permission is given to the petitioner.



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4. In the considered view of this Court, the relief sought for by the petitioner cannot be granted by this Court in view of the judgment of the Full Bench of this Court. Accordingly, this writ petition stands dismissed. No costs.

19.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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To

1.The District Collector,
Kanyakumari District
At Nagercoil

2.The Revenue Divisional Officer,
Padmanabhapuram, Thuckkalai

3.The Inspector of Police,
Nithravilai Police Station,
Kanyakumari District.



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.12050 of 2021

Dated:
19.10.2023