



W.P.(MD) No.10495 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.10495 of 2023

A.Surulivel

... Petitioner

-VS-

1. The District Collector,
Theni District, Theni.
2. The Tahsildar,
Taluk Office, Bodinayakkanur Taluk,
Theni District.
3. The Commissioner,
Bodinayakkanur Municipality,
Bodinayakkanur, Theni District.
4. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
15/4, SAR Complex,
Puthippuram Road, Theni 625531.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a



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Writ of Mandamus, directing the respondents herein to take action against the persons who are going to bury the dead body in open place in Old Ward No.15, New Ward No.23, Survey Ward 4, Block No.6, S.Nos.815/1 and 185/2 in South Street, Jeeva Nagar, Uthamapalaym Road, Bodinayakanur, Theni District.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.P.Thilakkumar
Government Pleader
for R1 and R2
Mr.A.Kannan for R3

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilakkumar, learned Government Pleader takes notice for the respondents 1 and 2 and Mr.A.Kannan, learned counsel takes notice for the third respondent.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



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3. The petitioner seeks a writ of mandamus to the respondents to take action against the persons who are attempting to bury the dead body in Survey Nos.815/1 and 815/2 in South Street, Jeeva Nagar, Uthamapalaym Road, Bodinayakanur, Theni District.

4. Bodinayakanur is a Municipal Town. Section 281 of the Tamil Nadu District Municipalities Act, 1920, which deals with the disposal of the dead reads as follows:-

“281. Register of registered, licensed and provided places and prohibition of use of other places .—

(1) A book shall be kept at the municipal office in which the places registered, licensed or provided under sections 278, 279 or 280 and all such places registered, licensed or provided before the commencement of this Act, shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and in at least one vernacular language to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided, as aforesaid.”



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5. Learned Special Government Pleader has produced the Town Survey Register which shows the Survey No.815/1 has been classified as “Mayanam”.

6. In view of such classification, we do not think we can issue a writ of mandamus as sought for in this writ petition. Hence, this writ petition stands dismissed. No costs.

[R.S.M., J.]

[L.V.G., J.]

28.04.2023

NCC : No
Index : No
Internet : Yes
PKN



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