



W.P.(MD)No.19502 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19502 of 2020

P.Vijayan

.. Petitioner

Versus

- 1.The District Collector,
Theni District, Theni.
- 2.The District Revenue Officer,
Theni District, Theni.
- 3.The Thasildar,
Uthamapalayam Taluk, Theni District.
- 4.The Inspector of Police,
Gudalur South Police Station, Theni District.
- 5.The Village Administrative Officer,
Keela Gudalur Village,
Uthamapalayam Taluk, Theni District.

6.Selvantharan, S/o. Karunanidhi

.. Respondents

[R6 is *suo motu* impleaded vide order dated 04.01.2021]

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to take appropriate action for removing the dead body of one Ranjithkumar, who has been illegally buried in the petitioners landed property in the light of the representation of the petitioner, dated 14.12.2020.



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For Petitioner : Mr.A.Sekar
For R1 to R3 and R5 : Ms.S.Jeyapriya
Government Advocate
For R4 : Mr.R.Sivakumar
Government Advocate (Criminal side)
For R6 : Mr.R.Karunanidhi

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Mandamus, to consider the representation made by the petitioner on 14.12.2020, wherein the petitioner sought for removal of dead body of one Ranjith Kumar, who has been illegally buried in the property belonging to the petitioner.

2. When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of the respondents 1 to 3 and 5 submitted that there is a private dispute going on between the petitioner and the sixth respondent and suits are also pending in O.S.Nos.42 of 2018 and 199 of 2018 before the Principal District Court, Madurai and the District Munsif Court, Uthamapalayam, respectively.

3. The learned Government Advocate (Criminal side) appearing on behalf of the fourth respondent submitted that the complaint given by the



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petitioner was closed in C.S.R.No.1 of 2021, on the ground that already a civil suit is pending between the parties.

4. In the considered view of this Court, the revenue authorities will have to take a decision in this case in line with the judgment of the Full Bench of this Court in **W.A.No.1037 of 2023, dated 20.07.2023 [Jagadheeswari and others vs. B.Babu Naidu and others]**. The Full Bench of this Court was dealing with the issue with respect to burial of dead bodies in a place other than the place already registered and licensed as a burial ground and was considering the effect of the Tamil Nadu Village Panchayat (Provision of Burial and Burning Grounds) Rules, 1999 read with the Tamil Nadu Panchayats Act, 1994. The revenue authorities shall keep this in mind and proceed further in accordance with law.

5. This Writ Petition is disposed of in the above terms. No costs.

NCC : Yes/No
Index : Yes/No
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09.10.2023

To

1.The District Collector,
Theni District, Theni.

<https://www.mhc.tn.gov.in/judis>



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2.The District Revenue Officer,
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N.ANAND VENKATESH, J.

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