



**W.P(MD).No. 11828 of 2014**

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 22.02.2023**

**CORAM**

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**W.P(MD)No.11828 of 2014**

M.Ravi

..... Petitioner

- Vs -

1. The District Collector,  
Bharathi Nagar,  
Collectorate Complex,  
Ramanathapuram.
2. The Revenue Divisional Officer,  
Bharathi Nagar,  
Collectorate Complex,  
Ramanathapuram.
3. The Tahsildar,  
Bharathi Nagar,  
Collectorate Complex,  
Ramanathapuram,  
Ramanathapuram District.
4. The Block Development Officer,  
Naranamangalam Panchayat Union,  
Ramanathapuram District.



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5. The Superintendent of Police,  
Ramanathapuram District,  
Ramanathapuram.

6. Nagaraj  
S/o.Mani

7. Mani  
S/o.Anguchamy

8. Muniyasamy,  
S/o. Ponnaiah

9. Muthu  
S/o.Kuppusamy

10. Kalliammal  
W/o.Thangachamy

11. Dhanalakshmi  
W/o.Muthu

12. Muniyasamy,  
S/o. Kalichamy

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the corpse buried by the respondents 6 to 12 in the patta land belonging to the petitioner bearing S.No.117/37 (old S.No. 117/10), situate at Naranamangalam Village and Post, Ramanathapuram Taluk and District and for consequential reliefs.



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For Petitioner : Mr.S.Ramesh  
For Respondents : Mrs.D.Farjana Ghoushia  
Special Government Pleader  
For R1 to R4  
  
: Mr.R.M.S.Sethuraman  
Additional Public Prosecutor  
For R5  
: No appearance – R6  
  
: Mr.K.R.Laxman  
For R7 to R12

### **ORDER**

This writ petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 to 5 to remove the corpse buried by the respondents 6 to 12 in the patta land belonging to the petitioner bearing S.No.117/37 (old S.No.117/10), at Naranamangalam Village, Ramanathapuram Taluk.

2. Heard Mr.S.Ramesh, learned counsel appearing for the petitioner, Mrs.D.Farjana Ghoushia, learned Special Government Pleader appearing for the respondents 1 to 4, Mr.R.M.S.Sethuraman, learned Additional Public Prosecutor appearing for the fifth respondent and Mr.K.R.Laxman, learned Counsel appearing for the respondents 7 to 12.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the land in S.No.117/37 (old S.No.117/10), at Naranamangalam Village measuring an extent of 4.75 cents. The said property has been inherited by him from his ancestors. His grand father has also been issued patta in Patta No.12 in respect of the land. After his demise, the patta was transferred in the name of the petitioner's father in Patta No.166. Due to previous enmity, the respondents 6 to 12 had buried corpse of their child claiming that the said land belongs to their family. The petitioner has also instituted a suit in O.S.No.53 of 2013. The same came to be dismissed for non-joinder of party. The petitioner had preferred an appeal suit in A.S.No. 13 of 2022 on the file of the Sub Court, Ramanathapuram District and the same is pending for consideration.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 on instructions from the third respondent herein would submit that a new born baby (died after birth) belonging to the family of the respondents 6 to 12 was buried in the land, which as per the revenue records stands in the name of the petitioner's father.



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5. The learned counsel appearing for the private respondents viz., respondents 7 to 12 would submit that the land in question is not a private land and it is only a Government poramboke land, which is in unauthorised occupation of the petitioner. He would further submit that there can be no objection by any person as the relevant Section 18 of Tamil Nadu Panchayat Building Rules 1997 do not prohibit burial or burning in any place except within 90 meters of residence or the water body. Therefore, he would seek to reject the writ petition.

6. I have considered the rival submissions made by the learned counsel appearing on either side.

7. In view of the specific statement made by the third respondent in his instructions given to the learned Special Government Pleader in Na.Ka.B4/11277/2022, dated 21.02.2023, it is the fact that the petitioner's family owns the property in S.No.117/37 at Naranamangalam Village. Since the corpse was buried 15 years back, I do not propose to order exhumation of the corpse, as practically there would be no remains in that place.



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8. In the result, there will be an interim injunction against the respondents 6 to 12 or any other persons from in any manner interfering with the private land belonging to the petitioner.

9. With the above said direction, this Writ Petition is disposed of.  
There shall be no order as to costs.

**22.02.2023**

NCC: Yes / No  
Index : Yes / No  
Internet : Yes / No  
ebsi

To

1. The District Collector,  
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2. The Revenue Divisional Officer,  
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3. The Tahsildar,  
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5. The Superintendent of Police,  
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**K.KUMARESH BABU, J.**

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Order made in  
**W.P(MD)No. 11828 of 2014**

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