



W.P(MD)No.1894 of 2015

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

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DATED : 12.07.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.1894 of 2015

and

M.P.(MD)No.2 of 2015

1.C.Ravi Shankar

2.S.Ramesh

... Petitioners

Vs.

1.The District Collector,  
District Collectorate Office,  
Madurai.

2.The Assistant Director of Panchayat,  
District Collectorate Office,  
Madurai.

3.The Panchayat President,  
Othakadai Village Panchayat Office,  
Othakadai, Madurai.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to remove the constructed shed of burial ground in



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Survey No. 19/5 in Rajakamberam near Balaji Nursing Home at Othakadai, Madurai and not allow to use this place as burial ground.

For Petitioners : Mr.C.Susikumar

For Respondents : Mr.N.G.Nataraj,  
Government Advocate.

### **ORDER**

Heard the learned counsel on either side.

2.The petitioner wants this Court to direct the local body to remove the constructions in question from S.No.19/5 in Rajakamberam village.

3.The learned counsel for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that one burial ground / cremation ground is located within the prohibited distance of Balaji Nursing Home put up by the petitioners herein.



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4.I am not persuaded by the contention of the learned counsel for the petitioners. The learned Government Advocate would point out that S.No.19/5 has been traditionally used as a cremation ground by the villagers for more than sixty years. Balaji Nursing Home was put up only some thirteen years ago. Therefore, the petitioner cannot take exception to the continued use of the aforesaid survey number as a burial ground. I sustain the stand of the respondents and the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**12.07.2023**

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

- 1.The District Collector,  
District Collectorate Office,  
Madurai.
- 2.The Assistant Director of Panchayat,  
District Collectorate Office, Madurai.
- 3.The Panchayat President,  
Othakadai Village Panchayat Office,  
Othakadai, Madurai.

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**G.R.SWAMINATHAN, J.**

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