



WP(MD)No.7790 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

WMP(MD)No.1 of 2015

Mohan

... Petitioner

Vs

- 1.The District Collector,
Pudukottai.
- 2.The Tahsildar,
Kulathur Taluk,
Pudukottai.
- 3.The Block Development Officer,
Viralimanali Panchayat Union,
Viralimalai,
Pudukottai District.
- 4.The Inspector of Police,
Mathur Police Station,
Mathur Post,
Pudukottai.
- 5.The President,
Kumaramangalam Village Panchayat,
Kumaramangalam,
Kulathur Taluk,
Pudukottai District.

6.Selvam

7.Govindarajan

... Respondents

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified mandamus thereby call for the records of the 2nd respondent in Na.Ka.No.11213/2014A1, dated 05.02.2015 and quash the same as illegal and consequently direct the respondents 1 to 5 to remove the board put up in the petitioner's property comprised in S.F.No.63/2 of Kumaramangalam Village, Pudukottai District at once.

For petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.G.V.Vairam Santhosh
Nos.1,2,3 & 5 Additional Government Pleader
For Respondent : Mr.B.Thanga Aravindh
No.4 Government Advocate

ORDER

The petitioner with a grievance that in his patta land some dead bodies have been buried, has submitted a representation before the Tahsildar. The Tahsildar, who conducted an enquiry has submitted a report that dead bodies have been buried in the petitioner's patta land and suggested him to work out his remedy before the Police. As against the same, this writ petition is filed.

2.The learned Counsel for the petitioner has relied on



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the judgment of the Hon'ble Full Bench of this Court in
WA.No.1037 of 2023, dated 20.07.2023.

3.The Hon'ble Full Bench of this Court has held that there cannot be any burial of bodies in the patta lands without any licence being granted as a burial ground and the relevant portion is extracted hereunder:

"34. Moreover, after Rules, 1999 came into force, any burial in the place other than the place already registered or licensed as burial ground, goes in contravention to Rule 7(1). Any body buried in contravention to the Rules 5 and 7, is to be exhumed and buried in the designated place. If such violation is brought to the notice within the reasonable time and despite notice to exhume the body for to be buried in the designated place not adhered by the person concerned, the body is to be exhumed by the authority and collect the costs from the person who is cause for that illegal burial. The exhumed body must be buried in the designated place, taking into consideration the public health.



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Person who defies the law and refuses to exhume the body, cannot take umbrage in the delay of enforcing the law and make the Court 'fait accompli'. Accordingly, the order of reference is answered in negative."

4. In view of above decision, this writ petition is allowed with a direction to the respondents to take a decision based on the above judgment of this Court and remove the dead bodies if any buried, in the petitioner's patta land within a period of six months from the date of receipt of a copy of this order. The impugned order is set aside. No costs.

17.10.2023

dsk

To

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2. The Tahsildar,
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3. The Block Development Officer,
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B. PUGALENDHI, J.

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