



W.P.(MD)No.897 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.897 of 2015

K.Paramasivam

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Trichy.

3.The Tahsildar,
Manapparai Taluk,
Trichy District.

4.The Block Development Officer,
Vaiyampatti, Manapparai Taluk,
Trichy District.

5.Azhagar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein to remove encroachment made by the 5th respondent in S.No.133/4 of



W.P.(MD)No.897 of 2015

Palayakottai Village, Manapparai Taluk, Trichy District and restore the burial ground/cremation ground of Vellalar community people.

For Petitioner :Mr.M.Saravanan

For Respondents :Mr.M.Prakash
Additional Government Pleader for R1 to R3

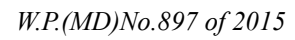
:Mr.M.Rajarajan for R4

:Mr.H.Lakshmi Shankar for R5

ORDER

This writ petition has been filed seeking for a mandamus, directing the respondents 1 to 4 herein to remove the encroachment made by the 5th respondent in S.No.133/4 of Palayakottai Village, Manapparai Taluk, Trichy District and restore the burial ground/cremation ground of Vellalar community people.

2.The case of the petitioner is that the fifth respondent has illegally encroached the property, which has been used as a burrial ground. Even the petitioner's father has been cremated in the said land. Therefore, he



3. The learned counsel for the fifth respondent would submit that he has purchased the property and he has been in possession of the property for many years and that he has made a representation to the first respondent as well as the third respondent for grant of patta. He would also substantiate his claim by submitting various house tax receipt and electricity charges receipt.

4. The learned counsel appearing for the fourth respondent herein has also filed a counter affidavit stating that the land in possession of the fifth respondent is an un-objectional poramboke.

5.Considering the facts and circumstances of this case, I do not propose to enter into the dispute as averred in the pleadings made by the petitioner, the fourth and fifth respondents. However, the third respondent



W.P.(MD)No.897 of 2015

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shall conduct an enquiry on the complaint made by the petitioner as also the request made by the fifth respondent, after hearing both the petitioner and the fifth respondent and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

14.02.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbn



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K.KUMARESH BABU, J.

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