



W.P.(MD)No.21426 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21426 of 2021

and

W.M.P.(MD)No.17989 of 2021

Vijayalakshmi

... Petitioner

-VS-

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram District
- 2.The District Revenue Officer,
Office of the District Revenue Office,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Officer,
Rameswaram, Ramanathapuram District.
- 4.The Tahsildar,
Office of the Taluk Office, Rameswaram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to take necessary action for removal of the illegal encroachments made in the



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petitioner's Patta lands comprised in vacant land more fully, the property comprised in Old Patta No.981, New Patta No.6239, Old Survey No.154/1, New Survey No.154/1A1 of a total extent of 3.54.50 hectares situated at Mangadu Village, Rameswaram, Ramanathapuram District, on the basis of the petitioner's representation dated 29.09.2021, within the time stipulated by this Court.

For Petitioner : Mr.A.Arputharaj
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to deal with the representation made by the petitioner on 29.09.2021, wherein the petitioner is seeking for removal of the encroachments that have been made in her Patta lands, by means of utilizing a portion of the same as a burial ground.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.



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3. The grievance of the petitioner is that the Villagers had encroached upon a portion of the Patta lands and are using the same as burial ground. A representation made by the petitioner in this regard did not evoke any response and hence, the present Writ Petition has been filed before this Court.

4. The specific case of the petitioner is that the place has not been designated as a burial or burning ground under Section 280(3) of the Tamil Nadu District Municipalities Act, 1920 and hence, the same can never be utilized as a burial ground by the Villagers. The learned counsel appearing on behalf of the petitioners placed reliance upon the judgment of the Full Bench of this Court in **Jagadheeswari and others vs. B.Babu Naidu** reported in **2023 (4) CTC 481**.

5. The learned Additional Government Pleader appearing on behalf of the respondents, on instructions, submitted that the Patta stands in the name of two individuals and also the Rameswaram Municipality. The learned Additional Government Pleader further submitted that a portion of the land



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has been used as a burial ground for a long period of time and a Peace Committee Meeting was also conducted in this regard.

6. In the considered view of this Court, taking into consideration the judgment of the Full Bench of this Court referred supra, it will suffice if a direction is issued to the first respondent to deal with representation made by the petitioner on 29.09.2021 in the light of the judgment of the Full Bench of this Court referred supra and a decision shall be taken within a period of three months from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation along with all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
SMN2

20.11.2023



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N.ANAND VENKATESH, J.

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