



WP (MD) No. 7350 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.04.2023

CORsAM:

THE HONOURABLE MR. JUSTICE **B. PUGALENDHI**

WP (MD) No. 7350 of 2016

Nesamani ... Petitioner
Vs

1. The District Collector
Kanyakumari District
at Nagercoil.

2. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3. S. Rajayyan

4. Manonmani ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to exhume the body of one Singarajan, which was buried in the petitioner's property in S.No.282/6 of Kulapuram Village, Kanyakumari District within a stipulated period that may fixed by this Court.

For Petitioner : Mr.C.Herold Singh

For Respondent : Mr.M.Sarangan,

Nos.1 & 2 Additional Government Pleader



WP(MD)No.7350 of 2016

For Respondent : Mr.M.P.Senthil
No.3

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ORDER

This writ petition is filed for a writ of mandamus, directing the respondents to exhume the body of one Singarajan, which was buried in the petitioner's property in S.No.282/6 of Kulapuram Village, Kanyakumari District

2.The writ petitioner, who is a power agent of one Amithabai has approached this Court with the above prayer. The petitioner has also approached the Revenue Divisional Officer, Padmanabhapuram in this regard and the RDO has passed an order on 29.02.2016.

3.The learned Counsel for the petitioner submits that in view of the order passed by the RDO, Padmanabhapuram, dated 29.02.2016, the petitioner may be permitted to amend the prayer.

4.The learned Counsel for the 3rd respondent raised serious objections that the body was buried in their land



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and the petitioner is a power agent of a person who is neither the owner of the property nor having any locus to file this writ petition. Further the RDO concerned has conducted an enquiry and rejected the request of the petitioner by order dated 29.02.2016 and the same has not been challenged and therefore, the petitioner has not challenged and therefore, the petitioner at this stage cannot amend the prayer with the available grounds.

5.The learned Additional Government Pleader appearing for the official respondents submits that the RDO has conducted an enquiry and passed a detailed order, which has not been challenged by the petitioner.

6.This writ petition is filed in the year 2016 for a mandamus. The petitioner approached the RDO, who has also passed an order on 29.02.2016. Since this writ petition is pending from the year 2016, it would not be permissible to amend the prayer at this distant stage and it is always open to the petitioner to challenge the order of the RDO in the manner known to law.



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7.With the above observation, this writ petition is disposed of. No costs.

21.04.2023

Internet : Yes / No

dsk

To

- 1.The District Collector
Kanyakumari District
at Nagercoil.
- 2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.



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B. PUGALENDHI, J.

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