



W.P.(MD)No.24570 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.24570 of 2023

and

W.M.P.(MD)No.20764 of 2023

S.Ramesh

: Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Assistant Director,
Panchayats,
Dindigul District.

3.The Block Development Officer,
Reddiyar Chatthiram Union,
Dindigul District.

4.The Tahsildhar,
Dindigul West Taluk,
Dindigul District.



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5.The Village President,
Palakkanuthu Village,
Dindigul West Taluk,
Dindigul.

6.R.Selvarani

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to stop the ongoing construction of the new Village Panchayat Office bearing S.Nos.340/2, 340/3, 340/4 of Palakkanuthu, Reddiyar Chatram Village Panchayat Union, Dindigul District and demolish the same and restore the original position of the Village Burial Ground, based on the representation made to the respondents 1 to 4 on 04.08.2023 and on further occasions.

For Petitioner : Mr.S.M.Ramasiva

For Respondents 1 to 5 : Mr.P.Thilak Kumar

Government Pleader

O R D E R

[Order of the Court was made by M.SUNDAR, J.]

Captioned Writ Petition has been filed as a 'Public Interest Litigation' [hereinafter 'PIL' for the sake of brevity].



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2.Short facts are that according to PIL petitioner, S.Nos.340/2, 340/3 and 340/4 of Palakkanuthu Village, Reddiyar Chatram Panchayat Union, Dindigul District is earmarked as a burial ground; that Palakkanuthu Village is the mother village for surrounding hamlets; that respondents have put up a Village Panchayat Union Office in the burial ground.

3.Mr.S.M.Ramasiva, learned Counsel for PIL petitioner advertng to the aforementioned facts submitted that the work of putting up panchayat union office commenced some time in July 2023. There was resistance, owing to the resistance a complaint was lodged in Crime No.356/2023 dated 28.07.2023 on the file of Ottanchathiram Police Station in Dindigul District against certain persons but the primary concern of PIL petitioner is that burial ground should not be completely utilised for panchayat union office and the graves therein should not be demolished.

4.When the matter was taken up, learned Counsel for petitioner gave up the sixth respondent owing to the submission of learned State Counsel which shall be alluded to infra.



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5.Issue notice to official respondents. Mr.P.Thilak Kumar, learned State Government Pleader accepted notice for all the five official respondents.

6.Learned State Counsel submitted on instructions that burial ground is situate only in two out of the three aforementioned survey numbers ie., S.Nos.340/2 and 340/4. Learned State Counsel drew our attention to the typed set of papers of PIL petitioner wherein an extract from the 'A' register has been annexed. It was pointed out that 340/3 is 'பாறை'. As regards the extent of said survey number, it was pointed out that even according to PIL petitioner, it is 3.23 acres in all.

7.Be that as it may, it was submitted with specificity by learned State Counsel that no grave has been demolished, this submission is not disputed by the learned Counsel for petitioner but he submits that the apprehension is the graves may be demolished if the construction activity continues.

8.We find that the construction activity commenced in July and the PIL petition has been filed on 06.10.2023. The construction as it stands today vide an undisputed photograph is as follows:



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9.To be noted, the construction in the aforementioned photograph which is not fully complete is the panchayat union office. The wall separating this and the other new building which we are informed is 'மகளிர் சுய உதவிக் குழு' office on one side and the old structure on the other side clearly demarcates the burial ground and the panchayat union office, is learned State Counsel say.

10.Be that as it may, learned State Counsel submits that owing to lack of space, the panchayat union office has been put up there but only 10 cents out of 3.2 acres has been utilised and the construction which is nearing completion will be completed without demolition of any grave. This puts to rest the anxiety of PIL petitioner. We have taken note of the fact that panchayat union office also pertains to public utility function and the PIL petitioner has come to this Court only on 06.10.2023 while the construction commenced in July of 2023.

11.Therefore, we deem it appropriate to say that it will suffice if the stated position of official respondents ie., submission of learned State Counsel on instructions which has been recorded supra will suffice as it addresses the grievance of PIL petitioner.



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12.Captioned PIL petition is disposed of as closed, recording the stated position of official respondents. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.,J.] & [R.S.V.,J.]

11.10.2023

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

MR



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

MR

ORDER MADE IN
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