



W.P(MD)No.26153 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26153 of 2023

and

W.M.P(MD)No.22522 of 2023

1.N.Vengadachalam
2.Balraj
3.Chinnasamy

... Petitioners

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Viralimalai,
Pudukottai District.

3.The Commissioner,
Viralimalai Panchayat Union,
Viralimalai.

4.The President,
Kathalur Village Panchayat,
Viralimalai Taluk,
Pudukottai District.

5.The Inspector of Police,
Viralimalai Police Station,



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Viralimalai,
Pudukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 to 5 to implement the proceedings of the first respondent made in Na.Ka.No.1090496/2023/E2 dated 22.09.2023 and further prevent the burial of dead bodies in S.No.51/1, Akkalnayakanpatti, Viralimalai Taluk, Pudukottai District.

For Petitioners : Mr.R.Murali

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 & R.2

Mr.P.T.Thiraviam for R.3 & R.4

Mr.A.Albert James
Government Advocate for R.5

ORDER

Heard both sides.

2. The prayer in this writ petition is that Survey No.51/1 Akkalnayakanpatti Village should no longer be used as a burial ground. It is not in dispute that it has not been notified as burial ground. In fact, District Collector had already passed order affirming the stand of the



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petitioners. The petitioners want the District Collector's order dated 22.09.2023 to be implemented.

3. The learned Special Government Pleader informs the Court that an alternative land had already been identified and that Survey No.51/1 will no longer be used as a burial ground.

4. The respondents 2 to 5 are hereby directed to enforce the order passed by the District Collector. It is the duty to the respondents 2 to 5 to ensure that Survey No.51/1 is no longer used to burry dead bodies. The authorities will not look the other way by citing law and order issues.

5. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

3/5



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G.R.SWAMINATHAN, J.

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