



W.P(MD)No.27081 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27081 of 2023

S.Krishnasamy

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

3.The Block Development Officer (Village Panchayats),
Reddiyarchathiram Panchayat Union,
Dindigul District.

4.The President,
Gurunathanaickanur Village Panchayat,
Dindigul West Taluk,
Dindigul District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein not to shift the existing Burial and Burning Ground from the Land comprised in Survey Nos.804/1 to Survey No.774/2 at Ramagoundanpatti, Gurunathanaickanur Village, Dindigul West Taluk, Dindigul on the basis of the petitioner representation dated 10.10.2023 and for other reliefs.

For Petitioner : Mr.J.Lawrence

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

Mr.G.Suriyananth
Additional Government Pleader
for R.3 & R.4

ORDER

Heard both sides.

2. The grievance of the petitioner is that without any justification and to suit the private interests of the fourth respondent, the existing burial ground has been shifted from Survey No.804/1.



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3. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that shifting has already been done based on Grama Sabha resolution. He points out that the burial ground has not been shifted to the petition mentioned Survey No.774/2 but instead to Survey No.773/2.

4. The learned counsel appearing for the petitioner would allege that the existing burial ground was adjacent to the lands of the fourth respondent and that is why shifting had taken place. He has been served the copies of the relevant papers. The petitioner can very well file an appeal before the first respondent who is the Inspector of Panchayats. The first respondent will hold an enquiry on the petitioner's appeal petition. He will hear the fourth respondent and thereafter pass final order on merits and in accordance with law. Even though the burial / cremation ground had already been shifted, the shifting will abide by the decision to be taken by the Inspector of Panchayats.



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5. This writ petition is disposed of accordingly. There shall be no order as to costs.

15.11.2023

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

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 3.The Block Development Officer (Village Panchayats),
Reddiyarchathiram Panchayat Union,
Dindigul District.
- 4.The President,
Gurunathanaickanur Village Panchayat,
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G.R.SWAMINATHAN, J.

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