



W.P(MD)No.27960 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27960 of 2023

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... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Sivagangai District.

2.The Tahsildar,
Karaikudi Taluk,
Sivaganga District.

3.The Village Administrative Officer,
Koothalur Group,
Karaikudi Taluk,
Sivaganga 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 and 3 to consider the representation dated 17.10.2023 and consequently direct the third to mutate the revenue records as Cemetery



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(Mayanam) in respect of S.No.97/1 in Koothalur village, Karaikudi Taluk, Sivagangai District within time frame fixed by this Court.

For Petitioner : Mr.N.Jeyaram Sidharth

For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

Heard both sides.

2.The petitioner wants the petition mentioned land to be reclassified as “Cemetery”. In the typed set of papers, copy of the patta in respect of Survey No.97/1B has been enclosed. It is very much in the name of Seventh Day Adventists. The petitioner states that already three bodies have been buried in the petition mentioned site. Since the petitioner's requires it as exclusive cemetery, they want the petition mentioned patta land to be reclassified.

3.There is some justification in the petitioner's request. The Hon'ble Full Bench of Madras High Court had recently held that bodies can be buried only in a notified burial ground and not in any other place.



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It is probably for this reason, reclassification is sought. The petitioner is not asking for any assignment. The petitioner is only asking for reclassification on their patta land into cemetery.

4.The first respondent is directed to go into the petitioner's request and pass appropriate order on merits and in accordance with law and pass final order within a period of twelve weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter.

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

28.11.2023

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

To

1.The District Collector,
District Collector Office,
Sivagangai District.

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G.R.SWAMINATHAN, J.

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2.The Tahsildar,
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