



W.P.No.2168of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2168 of 2024 and
W.M.P.No.2342 of 2024

S.Ramakrishnan

... Petitioner

Vs.

- 1.The District Collector,
Vellore District,
Vellore.
- 2.The Assistant Director of Village Panchayat,
Vellore, Vellore District.
- 3.The Revenue Divisional Officer,
Vellore, Vellore District.
- 4.The Block Development Officer,
Kaniyambadi Panchayat Union,
Kaniyambadi, Vellore District.
- 5.The Tahsildar,
Vellore Taluk, Vellore District.
- 6.Thuttipattu Village Panchayat,
Rep by its President, Mr.Ravichandran,
Vellore Taluk,
Vellore District.



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7.The Inspector of Police,
Bagayam Police Station,
Bagayam, Vellore District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to exhume the body of Kumar and Durai R Kesavan unauthorizedly buried in the upper area of the check dam in S.No.215, Thuttipatu Village, Vellore Taluk, Vellore District in violation of Rule 5 and 7 of the Tamil Nadu Village Panchayat (Provisions of Burial and Burning grounds) Rules, 1999 and bury the same in the designated village burial ground in S.No.143, Thuttipatu Village, Vellore Taluk, Vellore District.

For Petitioner : Mr.C.K.M.Appaji
For Respondents : Mr.S.Nanmaran, SGP for R1-R3, R5 & R6
Mrs.K.Vasanthamala, GA for R4
Mr.J.Subbiah, GA for R7

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to exhume the bodies of Kumar and Durai R Kesavan which were unauthorizedly buried in the upper area of the check dam in S.No.215, Thuttipatu Village, Vellore Taluk, Vellore District in violation of Rule 5 and 7 of the Tamil Nadu Village Panchayat (Provisions of Burial and Burning grounds) Rules, 1999 and bury the



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same in the designated village burial ground in S.No.143, Thuttipatu Village, Vellore Taluk, Vellore District.

2. Heard Mr.C.K.M.Appaji, learned counsel for the petitioner, Mr.S.Nanmaran, learned Special Government Pleader for the respondents 1 to 3, 5 and 6, Mrs.K.Vasanthamala, learned Government Advocate for R4 and Mr.J.Subbiah, learned Government Advocate for R7.

3. The learned counsel for the petitioner submitted that the dead bodies of Kumar and Durai A.Kesavan were unauthorizedly buried in the upper area of Check Dam which is situated nearby to the residence of the petitioner. According to the petitioner, the said place ought not to have been identified as burial ground and it is in violation of Rules 5 and 7 of the Tamil Nadu Village Panchayat (Provisions of Burial and Burning grounds) Rules, 1999.

4. The learned Government Advocate for the fourth respondent submitted that the village does not have a burial ground. Just by holding



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a meeting with the Village Panchayat, some decision has been taken to bury the bodies in a specified location.

5. But, the issue raised in this Writ Petition cannot be considered as a private interest which involves public interest. However the petitioner is at liberty to give a representation to the authority concerned in this regard.

6. With the above observations, this Writ Petition is disposed and the petitioner is at liberty to give a representation to the fourth respondent to reconsider the decision and not to treat the demised premises as burial ground for any future purposes and to designate any other appropriate place for the same. On receipt of such representation, the fourth respondent is directed to pass necessary orders in a manner known to law, within a period of four weeks from the date of receipt of representation. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No

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R.N.MANJULA, J.

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