



W.P.No.6724 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6724 of 2024

Palanisamy

.. Petitioner

Vs.

1. The District Collector
District Collector Office, Salem.

2. The Tahsildar
Tahsildar, Mettur Taluk
Salem District.

3. Muthu

4. Vaithi @ Karuvayan

5. Vakkil @ Vaithilingam

6. Sambath

7. Sekar

8. Palanisamy

9. Sathasivam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 and 2 to take appropriate action to remove the encroachment caused by the respondents 3 to 9 over the burial ground existing in SF.No.78/9 of Mallikundam Village, Mettur Taluk, Salem District.



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For the Petitioner : Mr.R.Nalliyappan
For the Respondents : Mr.T.K.Saravanan
Government Advocate
for R1 and R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.R.Nalliyappan, learned counsel for the petitioner and Mr.T.K.Saravanan, learned Government Advocate for respondents 1 and 2.

2. The petitioner alleges the land in S.No.78/9 of Mallikundam Village, Mettur Taluk, Salem District to be a burial ground.

3. The A-Register does not describe the said land as a burial ground. A particular piece of a land cannot be used as a burial ground, unless license is issued by a competent authority for the use of it as a burial ground. The land appears to be a Government poromboke Well.



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4. The learned Government Advocate submits that survey has been conducted and encroachments have been found. Steps, in accordance with law, would be undertaken to remove the encroachment preferably within a period of three months.

5. In view of the said statement, the writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

14.03.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

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(drm)

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