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W.P. No.7311 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.7311 of 2024

M.Syed Admed

... Petitioner

Vs.

1. The District Collector

Chengalpattu District

Chengalpattu

2. The Revenue Divisional Officer

Madurantagam, Chengalpattu District

3. The Tahsildar

Cheyyur Taluk, Cheyyur, Chengalpattu District

4. The Block Development Officer

Chithamur,

Cheyyur Taluk, Chengalpattu District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings dated 20.04.2023 passed in Na.Ka.No.11324/2022/B1 on the file of the 1st respondent herein, quash the same and consequently direct the respondent herein to pay the



W.P. No.7311 of 2024

compensation to the petitioner herein for his lands measuring 71.5 cents in S.F.No.252/3 situate at Thenpakkam Village, Cheyyur Taluk, Chengalpattu District, utilized for Cremation Ground by fixing the value of the year 2008 with necessary interest and other statutory benefits as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan
For R1 to R3 : Mr.T.Arun Kumar
Additional Government Pleader
For R4 : Mrs.C.Sangamithirai
Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings dated 20.04.2023 passed in Na.Ka.No.11324/2022/B1 on the file of the 1st respondent herein, quash the same and consequently direct the respondent herein to pay the compensation to the petitioner herein for his lands measuring 71.5 cents in S.F.No.252/3 situate at Thenpakkam Village, Cheyyur Taluk, Chengalpattu District, utilized for Cremation Ground by fixing the value of the year 2008 with necessary interest and other



W.P. No.7311 of 2024

statutory benefits as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 within a stipulated period.

2. The learned counsel for the petitioner submitted that the petitioner had purchased the property in question in the year 1993. In his land, the villagers have been burying dead bodies and using his land as a burial ground. Though the petitioner made several representations before the District Collector, the District Collector has not taken any steps. At last, the petitioner made a representation that his land which is used as a burial ground by the Villagers, shall be acquired and adequate fair compensation may be paid to the petitioner, whereas, the District Collector without considering his representation and without acquiring the land for public purpose and awarding compensation to the petitioner, passed the impugned order stating that it is not possible to acquire the land and steps would be taken to provide alternate land to the petitioner. Therefore, the petitioner is before this Court.



W.P. No.7311 of 2024

WEB COPY

3. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice for the respondents 1 to 3. Mrs.C.Sangamithirai, learned Special Government Pleader takes notice for the 4th respondent.

4. It is seen that the petitioner has purchased the property in the year 1993. But he is not in a position to say as to how long his property is used as a burial ground. By referring the statements of others, he submits that for about 30 years, the said land is used as a burial ground. The petitioner has no material to show as to when was the first dead body was buried in his land and whether he made any objection or lodged any complaint before the police or approached to Civil Court to restrain the burial of dead bodies in his patta land.

5. Though the petitioner seeks only compensation for his land, the 1st respondent has passed the impugned order stating that it is not possible to acquire the land which is already been used as a burial ground time immemorial. Further, he has stated that since patta land has been used as a burial ground, the revenue authorities would find out an alternate land in



W.P. No.7311 of 2024

the very same village and provide the same to the petitioner.

WEB COPY

6. This Court does not find any perversity of impunity in the order passed by the 1st respondent.

7. Therefore, this Writ Petition is dismissed at the admission stage itself. No costs.

8. However, the 1st respondent is directed to issue instructions to concerned authorities to find out an alternate site equivalent to land of the petitioner which is being used as a burial ground and provide the same to the petitioner, within a period of three months from the date of receipt of a copy of this order.

20.03.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



W.P. No.7311 of 2024

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WEB COPY

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WEB COPY



W.P. No.7311 of 2024

P.VELMURUGAN. J.

Ksa-2

W.P. No.7311 of 2024

20.03.2024