



WEB COPY

W.P.No.16364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.16364 of 2024
and
W.M.P.No.17923 of 2024

A.Panner Selvam

.. Petitioner

VS

1.The District Collector,
Master Plan Complex,
Villupuram Distict – 605 602.

2.The Superintendent of Police,
Villupuram District – 605 602.

3.The Tahsildar,
Villupuram District – 605 602.

4.The Village Administrative Officer,
Ariyalur Village, Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 3rd respondent to take action against the persons burying dead bodies in Survey No.202/4 Ariyalur Village, Villupuram Taluk, Villupuram District Kalam poramboke adjacent to the petitioner's hand in violation of the report and against the undertaking submitted by the 3rd respondent before this Court in W.P.No.23548 of 2022.

For Petitioner : Mr.KT.Sankar Subramanian

For Respondents : Mr.U.Baranidharan
Additional Government Pleader
for R1, R3 & R4
Mr.S.Vionth Kumar
Government Advocate (Crl.Side)
for R2



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ORDER

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Mr.U.Baranidharan, learned Additional Government Pleader, accepts notice for R1, R3 & R4 and Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side), accepts notice for R2. Both learned counsel are armed with sufficient instructions to enable a final disposal of this matter even at this juncture.

2. The petitioner's land is in Survey No.200/2 Ariyalur Village. According to him, the people in Kuyavar Community living in that area had been burying their dead bodies in that survey number. The petitioner purchased the land in 2014. Following regular practice, on 04.03.2015, a person belonging to the aforesaid community is stated to have effected buried in the petitioner's land. The petitioner made a complaint in 2015 following which there was a Peace Committee Meeting resolving that the land, being private property, shall not be used as a burial ground any more.

3. Be that as it may, according to petitioner and contrary to the resolution in the peace committee meeting, there have been two more burials in his property, on 22.07.2022 and 19.03.2024, to which, he objects. In written instructions bearing Ref.No.A2/312/2024 dated 23.06.2024, the respondents deny the aforesaid position and state that the burial on 22.07.2022 of Thiru.Sadayan, Son of Rathinam was in Survey No.202/4, which is clarified as Kalam Poramboke. Operative portion of written instructions dated 23.06.2024 read as follows:-



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"So far, since 04.03.2015 only the 03 deaths have taken place in the Kuyavar community settlement and all the 03 including the recent one were buried in the government Kalam Poramboke."

4. Clearly there are various disputed question of facts which this Court is not inclined to look into in a writ petition. Thus, no useful purpose would be served in directing filing of counter in such a matter as it would only create more disputes. Hence to enable the parties to arrive at an amicable and peaceful resolution of the matter, let the petitioner make a representation before the first respondent i.e., the District Collector setting out all his concerns.

5. The District Collector, will obtain inputs from the third respondent, hear the petitioner as well as any others that he may think necessary and dispose representation, once filed, within a period of four weeks from date of receipt of the representation, in accordance with law and in line with the principles of natural justice.

6. Writ petition stands disposed in terms of this order. No costs. Connected miscellaneous petition is closed.

24.06.2024

Index:Yes/No
Neutral Citation:Yes
ssm



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DR. ANITA SUMANTH,J.

ssm

To

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