



WEB COPY



W.P.No.17862 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17862 of 2020

and

W.M.P.No.22148 of 2020

Rani

... Petitioner

Vs.

1. The State,
Rep. by the Direct Collector,
Salem District, Salem.
2. The Superintendent of Police,
Salem District, Salem.
3. The Revenue Divisional Officer,
Attur, Salem.
4. The Tasildhar,
Attur Taluk,
Salem District.
5. The Asst. Executive Engineer
(Water Resource Department)
Public Works Department,
Thalaivasal Irrigation Area,
Thalaivasal post,
Salem District-636 112.



W.P.No.17862 of 2020

6. The Block Development Officer,
Thalaivasal Panchayat Union,
Attur Taluk, Salem District.

7. Thangarasu

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the Respondent 1 to 6 to exhume the dead bodies buried unauthorisedly in the canal poramboke comprised in Survey No. 106 (Part) measuring an extent of 3 cents, situated in Thalaivasal Village, Attur Taluk, Salem and bury them in accordance with law.

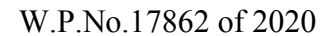
For Petitioner : Ms.Archana J. for
Mr.A.E.Ravi Chandran

For Respondents : Mr.P.Bala Thandayutham,
Special Government Pleader,
(for R1 to R6);

R7:Given Up-vide order dated 10.12.2020

ORDER

The writ of mandamus has been issued to direct the respondents 1 to 6 to exhume the dead bodies buried unauthorisedly in the canal poramboke comprised in Survey No. 106 (Part) measuring an extent of 3 cents, situated in Thalaivasal Village, Attur Taluk, Salem and bury them in accordance with law.



3. The learned Special Government Pleader, appearing on behalf of the respondents 1 to 6, based on the written instructions given by the Revenue Tahsildar, Thalaivasal Taluk, Salem district, dated 7.1.2024, made a submission that the patta land belongs to the petitioner situate in Survey No.107/1. Eastern side of the pata land belonged to the petitioner, in Survey No. 107/2 measuring 0.60.0 hector, is a Government Poramboke land, classified as "burial ground". In the said burial ground, people belonging to all community are burying and burning the dead bodies. In respect of Hindu Valluvar Caste people of that village, they are burying the dead bodies in Survey No.106. In respect of Survey No.106, the land measuring 0.53.0 hectors is classified as Government Poramboke Vari.

4. There are encroachments in the said Government lands and the



W.P.No.17862 of 2020

authorities have already initiated action to evict the encroachments by following the procedures as contemplated under the Tamil Nadu Land Encroachments Act 1905. It is needless to state that encroachments in the Government lands have to be removed by following the procedures. In respect of burial ground, the authorities shall ensure that no inconvenience is caused to the other people of that locality or to the adjacent land owners because of the burial ground. Sufficient safety measures may be taken to prevent any unwanted incidents in that locality and so as to ensure that the dead bodies are buried or burnt in a specified place in accordance with law.

5. With these observations, the writ petition stands disposed of . No costs. Consequently, connected miscellaneous petition is closed.

01.02.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



W.P.No.17862 of 2020

To

WEB COPY

1. The State,
Rep. by the Direct Collector,
Salem District, Salem.
2. The Superintendent of Police,
Salem District, Salem.
3. The Revenue Divisional Officer,
Attur, Salem.
4. The Tasildhar,
Attur Taluk,
Salem District.
5. The Asst. Executive Engineer
(Water Resource Department)
Public Works Department,
Thalaivasal Irrigation Area,
Thalaivasal post,
Salem District-636 112.
6. The Block Development Officer,
Thalaivasal Panchayat Union,
Attur Taluk, Salem District.



WEB COPY



W.P.No.17862 of 2020

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.17862 of 2020

01.02.2024