



W.P(MD)No.546 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.546 of 2024
and
W.M.P.(MD)No.554 of 2024

A.Prabakaran

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani, Dindigul District.
- 3.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.
- 4.The Block Development Officer,
Vadamadurai Panchayat Union,
Vadamadurai, Dindigul District.
- 5.The Superintendent of Police,
Dindigul District,
Dindigul.
- 6.The Deputy Superintendent of Police,
Vedasandur, Dindigul District.



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7.The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.

8.The President,
Puthoor Village Panchayat,
Vedasandur Taluk,
Dindigul District.

9.Royal @ Chinnan

10.Krishnamoorthy

11.Palanivel

12.M.K.Raman

13.Uthankarai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 1 to 8th respondents herein from permitting the 9 to 13th respondents herein to taking the dead body through the petitioner's patta lands in survey No.474/2A, 475 and 476/3B situated at Puthoor Village, Vedasandur Taluk, Dindigul District and further direct the 1 to 3rd respondents herein to change the entry of detailed pathway in FMB Sketch through above said patta lands based on the petitioner's representation dated 26.12.2023.

For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.A.Kannan,
Addl. Govt. Pleader for R1 to R3 to R5 to R7.
Mr.S.Shanmugavel,
Addl. Govt. Pleader for R4 & R8.
Mr.R.Maheswaran for R9 to R12.
No appearance for R13.



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ORDER

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Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 8 and the learned counsel for the respondents 9 to 12.

2.The grievance of the petitioner is that through the petition mentioned patta lands dead body should not be taken.

3.The stand of the respondents is that FMB indicates existence of cart track through the petition mentioned patta lands. They would state that the detailed marks bear out the said contention.

4.In matters such as this, where disputed question of facts are involved, the petitioner has to move the jurisdictional Civil Court.

5.I grant liberty to the petitioner to file an injunction suit or declaration suit as the case may be before the Trial Munsif. If any such plaint is filed, it shall be numbered and taken on file. The petitioner is also given liberty to file I.A. If any such I.A. is filed, it shall also be disposed of as expeditiously as



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possible. Since the private respondents are represented by counsel, it is for them to enter appearance in the pending suit. I make it clear that I have not gone into the merits of the matter.

6. With this liberty to the petitioner and direction to the Trial Court, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 05.03.2024.

To:

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Tahsildar,
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Vedasandur,
Dindigul District.
4. The Block Development Officer,
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5.The Superintendent of Police,
Dindigul District,
Dindigul.

6.The Deputy Superintendent of Police,
Vedasandur, Dindigul District.

7.The Inspector of Police,
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8.The President,
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G.R.SWAMINATHAN, J.

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