



W.P(MD)No.5322 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5322 of 2024

Sivakumar

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Thenkasi, Thenkasi District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sankarankovil,
Thenkasi District.
- 3.The Assistant Director (Panchayats),
Thenkasi, Thenkasi District.
- 4.The Tahsildar,
Sivagiri Taluk Office,
Sivagiri, Thenkasi,
Thenkasi District.

5.S.Josphin @ Priya

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the official respondents herein to take necessary action in accordance with law to exhume



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the body of the 5th respondent's husband Mr.Sathiyaraj from the petitioner's land comprised in S.No.743/11 having Patta No.18 situated at Sivagiri Part 1, Sivagiri Taluk, Thenkasi District and re-bury in designated locations within the time stipulated by this Court.

For Petitioner : Mr.R.Velumurgan

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 to R4.
No appearance for R5.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 to 4. Though the fifth respondent has been served, she has not chosen to enter appearance.

2.The petitioner's grievance is that dead body of the fifth respondent's husband has been buried in the petitioner's patta land.

3.Admittedly, the petition mentioned land has not been notified as a burial ground. The act of burial is clearly illegal and contrary to law. However,



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the request for exhumation cannot be allowed. It is because of sheer lapse of time. It is however directed that no memorial shall be put up in the buried spot.

It is open to the petitioner herein to use the spot in any manner he deems fit.

4.This writ petition is disposed of accordingly. No costs.

03.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Thenkasi, Thenkasi District.
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Sivagiri Taluk Office,
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Thenkasi District.



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G.R.SWAMINATHAN, J.

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