



W.P(MD)No.6366 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6366 of 2024

Tamilselvan

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul District,
Dindigul.
- 4.The Tahsildar,
Athur Taluk,
Dindigul District.
- 5.The Village Administrative Officer,
Vakkampatti, Athur Taluk,
Dindigul District.



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6.The Block Development Officer,
Athur Taluk, Dindigul District.

7.The President,
Vakkampatti Panchayat,
Dindigul.

8.The Inspector,
Dindigul TK Police Station,
Dindigul.

9.Y.Jesu

***(R.8 & R.9 are suo motu impleaded
vide order of this Court dated 14.03.2024)***

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent give permission to funeral ceremony usual road in Survey No.176/1, 177/1 and 177/2 common pathway in Vakkampatti Village, Athur Taluk, Dindigul District within the period that may be stipulated by this Court.

For Petitioner : Mr.P.Manikandan

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 to R.7

Mr.A.Albert James
Government Advocate (Crl.Side)
for R.8

ORDER

Heard both sides.



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2.The petitioner's grandmother has passed away. The petitioner alleges that persons belonging to another religion are obstructing the taking of the dead body to the burial ground. He also stated that rope had been tied across the road itself. That led to the filing of this writ petition.

3.I *suo motu* impleaded the respondents 8 and 9. The ninth respondent represents the opposite group.

4.I fail to understand as to how such obstruction can be created. The petitioner after all wants to pass through a public street. A public street is open to all persons. Obstructing passage through a public street is illegal. It is the duty of the District Administration as well as the jurisdictional police to ensure that such obstructions are not caused in future. If any such obstruction is made, it shall be summarily removed and the movement of the funeral procession shall be facilitated. The jurisdictional police can even employ force to clear the obstruction. I have however been spared to issue any harsh direction. This was because when the matter was taken up for admission, the eighth respondent as well as the ninth respondent informed the Court that the



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issue has been amicably resolved and that the funeral procession through the petition mentioned pathway will not be obstructed.

5.Recording the said submission, this writ petition is allowed.

There shall be no order as to costs.

14.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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- 4.The Tahsildar, Athur Taluk, Dindigul District.
- 5.The Village Administrative Officer, Vakkampatti, Athur Taluk, Dindigul District.
- 6.The Block Development Officer, Athur Taluk, Dindigul District.
- 7.The President, Vakkampatti Panchayat, Dindigul.
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G.R.SWAMINATHAN, J.

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