



W.P.(MD) No.7939 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7939 of 2024

Rathinam

... Petitioner

Vs.

1.The District Collector cum
Chairperson of the Monitoring Committee,
Ramanathapuram,
Ramanathapuram,
Ramanathapuram Distric.

2.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

3.The Thondi Town Panchayat,
Rep. by its Executive Officer,
Thondi,
Ramanathapuram District.

4.V.Balasubramanian

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents 1 to 3 to
forbear the respondent No.4 from putting up construction in



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Adidravidar burial ground in S.No.53/1, Thondi Village, Ramanathapuram District, within the time frame stipulated by this Court.

For Petitioner	:Mr.S.Rajasekar
For R-1 & R-2	:Mr.P.Thilak Kumar, Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3, to forbear the respondent No.4 from putting up construction in Adi dravidar burial ground in S.No.53/1, Thondi Village, Ramanathapuram District, within a stipulated period.

2. According to the petitioner, the subject land is classified as burial ground. However, the fourth respondent has made encroachment in the said burial ground. Hence, on 04.03.2023, the petitioner has made a representation to the authorities requesting them to take action for removal of encroachment. Since no action has been taken by the authorities, the petitioner has filed this writ petition with the aforesaid prayer.



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3. Mr.P.Thilak Kumar, learned Government Pleader, on instructions, would submit that work order has been issued for construction of a compound wall in the said burial ground. In respect of removal of encroachment is concerned, already proceedings had been initiated and notice had been issued to the encroachers and therefore, necessary action will be taken for removal of such encroachment.

4. In the light of the above, we direct the third respondent to consider and proceed with the removal of encroachment from the subject place by following the procedure, as contemplated under law, after providing opportunity to all the parties concerned. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No Costs.

[D.K.K., J.]

[R.V., J.]

28.03.2024

Neutral Citation: Yes / No
Index : Yes / No
PM



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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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