



W.P.(MD)No.13984 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.13984 of 2024

Mohan

: Petitioner

Vs.

1.The District Collector / Monitoring Committee,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul Division,
Dindigul.

3.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

4.The Block Development Officer,
(Village Panchayat),
Sanarpatti Union,
Dindigul District.

5.A.Manivel

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 to remove the cemetery situated in Survey No.1116/16 and 1116/17 situated at Anjukulipatti Village, Dindigul East Taluk, Dindigul District and considering the petitioner's Monday Grievance Day petition dated 19.02.2024.

For Petitioner : Mr.A.Vadivel
For Respondents 1 to 3 : Mr.A.Kannan,
Additional Government Pleader
For Respondent No.4 : Mrs.D.Farjana Ghousia
Special Government Pleader

O R D E R

[Order of the Court was made by **R.SURESH KUMAR, J.**]

The prayer sought for herein is for a Writ of Mandamus, directing the respondents 1 to 4 to remove the cemetery situated in Survey No.1116/16 and 1116/17 situated at Anjukulipatti Village, Dindigul East Taluk, Dindigul District by considering the petitioner's Monday Grievance Day petition dated 19.02.2024.

2.Cemetery situated in Survey Nos.1116/16 and 1116/17 at Anjukulipatti Village, Dindigul East Taluk, Dindigul District, is according to the petitioner being used only by one family who is



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residing in Dindigul not in the locality. Therefore, it has to be removed.

3.Cemetery whether was constructed by one family or maintained by one family is immaterial as the cemetery will be used for the purpose of the last rites, where the dead bodies are buried. If dead bodies are buried in the cemetery, it will have some sentimental attachments with those families who have used the said cemetery. Even in the days to come, more people may use the cemetery. Therefore, that kind of public utility area cannot be removed as sought for by the petitioner. Therefore, the prayer sought for in this writ petition cannot be maintained by this Court.

4.Hence, the present writ petition fails and accordingly, it is dismissed. There shall be no order as to costs.

[R.S.K.,J.] & [G.A.M.,J.]

28.06.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

MR

ORDER MADE IN
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