



W.P(MD)No.11198 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.11198 of 2024
and
W.M.P(MD)Nos.9966 & 9967 of 2024**

Umaiyantha

... Petitioner

VS.

- 1.The Commissioner of Land Administration,
Chepauk,
Chennai.
- 2.The District Collector,
Pudukkottai,
Pudukkottai District.
- 3.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.
- 4.The Revenue Divisional Officer,
Illuppur,
Pudukkottai District.
- 5.The Tahsildar,
Ponnamaravathy,
Pudukkottai District.



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6.The Revenue Inspector,
Ponnamaravathy,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the sixth respondent's notice dated 03.05.2024 which was relating to the Survey No.792/1 and its extent of 0.84.5 ares of Ponnamaravathy West Village, Thottiyampatty Village Panchayat, Pudukkottai District to quash the same as illegal based on the orders in W.P(MD)No.4212 of 2024 dated 22.02.2024.

For Petitioner : Mr.N.Palaniyandi

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for in this Writ Petition is for a Writ of Certiorari, to quash the sixth respondent's notice, dated 03.05.2024 which was relating to the Survey No.792/1 and its extent of 0.84.5 ares of Ponnamaravathy West Village, Thottiyampatty Village Panchayat, Pudukkottai District based on the orders in W.P(MD)No.4212 of 2024 dated 22.02.2024.



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2.Survey No.792/1 with an extent of 0.84.5 ares at Ponnamaravathy West Revenue Village, Ponnamaravathy West Taluk, Pudukkottai District has already been classified as 'Government poramboke Mayanam'. However, in the very same land, since request has come from the section of the public to make it 'Kabarstan' ie., the burial ground for Musalman, the objection had been called for from the general public by the sixth respondent/the Revenue Inspector of Ponnamaravathy Range through the impugned communication, dated 03.05.2024. Challenging the same, since this Writ Petition has been filed, Mr.N.Palaniyandi, learned counsel appearing for the petitioner has contended that already the land in question has been classified as 'Government Poramboke Mayanam' that means burial ground or cremation ground. Therefore, the said status cannot be changed or modified where 'Kabarstan' is exclusively for Islam and cannot be granted that is the prime objection on behalf of the petitioner and others, who are residing in that locality. Therefore, opposing the said move on the part of the Government as triggered through the communication, dated 03.05.2024, the said Writ Petition has been filed.



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3.However, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents would submit that the very notice, dated 03.05.2024 itself is calling for objection from the public including the petitioner, therefore, if at all he has got any specific objection either on his behalf or on behalf of any group of people in that locality, he can make such objection in writing to the sixth respondent, which would be considered by the other respondents ie., the District Collector, Pudukkottai or the other revenue officials working under him and the ultimate decision would be taken on merits.

4.The learned counsel appearing for the petitioner also would contend that if such a consideration is made based on the objection to be made by the petitioner and others and accordingly if an order is passed after considering such objection, the petitioner would be satisfied, he contended.

5.Having regard to the said submissions made by the learned counsel appearing for both sides and taking note of the factual matrix of this case, we are inclined to dispose of this Writ Petition with the following order:



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(i) That it is open to the petitioner and others, who are similarly placed like the petitioner in that locality, to make objections if any pursuant to the impugned notice, dated 03.05.2024 issued by the sixth respondent opposing the move of the respondents to make a 'Kabarstan' in the said survey number which has already been classified as 'Government Poramboke Mayanam', within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the objections made by the petitioner and others, the same shall be considered and decided by the revenue authorities of the District concerned headed by the District Collector, who is the second respondent in this Writ Petition, within a period of four weeks thereafter.

(iii) Till such final decision is taken by the District Administration, the present status of the land in question ie., 'Government Poramboke Mayanam' shall remain to continue.



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6.With these directions and observations, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[R.S.K.,J.] [G.A.M.,J.]
04.06.2024

NCC : Yes / No
Index : Yes / No
ps



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

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ORDER MADE IN
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