



W.P(MD)No.20038 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20038 of 2022

Ramasamy Raja

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Superintendent of Police,
Madurai District, Madurai.
- 3.The Revenue Divisional Officer,
Melur Revenue Division,
Vellaripatti, Madurai District.
- 4.The Tahsildar,
Madurai East Taluk,
Madurai.
- 5.The Revenue Inspector,
Sakkimangalam Village,
Madurai District.
- 6.The Village Administrative officer,
Sakkimangalam I-Bit,
Madurai District.
- 7.The Inspector of Police,
Silaman Police Station,
Madurai District.



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8.Indra

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 7 to exhume the body of the 8th respondent's father namely Krishnan, illegally buried by the 8th respondent in the Petitioner's ancestors property comprised in Survey No.177/3B2A1 in Sakkimangalam I-Bit Village, Madurai East Taluk, Madurai District, by considering the petitioner's representation dated 22.08.2022.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R3 to R6.
Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R2 & R7.
Mr.G.Bharat Singh for R8.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the official respondents. The eight respondent has been served and she has entered appearance through counsel. But there is no representation on her behalf. The matter was taken up for hearing on the last week and even on that date, there was no representation.



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2.It is beyond dispute that the petition mentioned land is the petitioner's patta land. Admittedly, it has not been notified as burial ground. If the eighth respondent had buried his father's dead body in the said land, it is an illegal act.

3.The occurrence had taken place way back in the year 2022. More than two years have elapsed. It may not be possible to direct the eight respondent to exhume the body. I, however, grant liberty to the petitioner to deal with the matter in any manner, he deems fit. The petitioner can plough the land or plant a tree in the spot or do whatever, he wants. The eighth respondent cannot put up any memorial or even a stone mark. If any such act has been done by the eight respondent, it is open to the petitioner to undo the same. The eighth respondent is restrained from interfering with the petitioner's right to deal with the petition mentioned land as he deems fit.

4.The writ petition is allowed on these terms. No costs.

15.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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