



1

W.P.(MD)NO.21370 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.21370 & 22779 of 2024

W.P.(MD)No.21370 of 2024

Veeraperumal

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District.

2. The Tahsildar,
Ettaiyapuram Taluk,
Thoothukudi District.

3. The Village Administrative Officer,
Kannakattai Village,
Ettaiyapuram Taluk,
Thoothukudi District.

4. The President,
Kannakattai Panchayat,
Ettaiyapuram Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2



to remove the encroachment made by the respondents 3 and 4 in the Odai situated in S.No.114 and 115/7 in Kannakattai Village, Thoothukudi District and restore the same to its original position within a time stipulated by this Court.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

* * *

W.P.(MD)No.22779 of 2024

Rajamanickam

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
4. The Tahsildar,
Ettaiyapuram Taluk,
Thoothukudi District.
5. The Village Administrative Officer,
Kannakattai Village,



Ettaiyapuram Taluk,
Thoothukudi District.

WEB COPY

6. The President,
Kannakattai Panchayat,
Ettaiyapuram Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in the Odai situated in S.No.114 and 115/7 in Kannakattai Village, Ettayapuram Taluk, Thoothukudi District and restore the same to its original position within a time stipulated by this Court.

For Petitioner : Mr.R.Babu Jaganath

For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

* * *

COMMON ORDER

Heard the learned counsel on either side.

2. The case of the writ petitioners is that in survey Nos.114 and 115/7 Kannakattai Village, Ettayapuram Village, dead bodies are being illegally buried. We wanted to know from the respondents as to whether the two survey numbers have been notified as cremation ground or burial



ground. The answer is in the negative. It is also submitted by the respondents that those two survey numbers have been classified as Odai.

3. It is also seen that there are three other burial grounds available in the village. They are located in survey Nos.112/7, 237 and 119/1. In the status report filed by the Tahsildar, Ettayapuram, it has been categorically stated that all these three burial grounds are available for cremation for all villagers irrespective of caste and religion and there is no restriction or discrimination. However, the villagers belong to Arunthathiyar community were allowed to bury the dead bodies in the petition-mentioned survey number namely, 115/7. The learned counsel appearing for the writ petitioners would allege that this is the work of the Panchayat President / the Village Administrative Officer.

4. The Hon'ble Full Bench of Madras High Court had categorically held that the dead bodies must be buried / cremated only in notified places. In this case, two dead bodies were permitted to be buried in the petition-mentioned survey number. The District Collector shall look into this issue. We direct the respondents to ensure that no more burial takes place in the petition-mentioned survey number. We also record the stand



of the respondents that flow of water through Odai has not been obstructed and if there is any obstruction, it shall be cleared. These writ petitions are allowed. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
29th October 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Thoothukudi District.
2. The Tahsildar,
Ettaiyapuram Taluk, Thoothukudi District.
3. The Village Administrative Officer,
Kannakattai Village, Ettaiyapuram Taluk,
Thoothukudi District.
4. The President,
Kannakattai Panchayat, Ettaiyapuram Taluk,
Thoothukudi District.
5. The Superintendent of Police,
Thoothukudi District, Thoothukudi.
6. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.



WEB COPY



6

W.P.(MD)NO.21370 OF 2024

G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

PMU

W.P.(MD)No.21370 of 2024

29.10.2024