



W.P.(MD) No.23188 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23188 of 2024

M.Louis Charles

.. Petitioner

Vs.

- 1.The District Collector,
Thanjavur District.
- 2.The Assistant Director of Village Panchayat,
Office of the District Collectorate,
Thanjavur District.
- 3.The Revenue Divisional Officer,
N.S.C.Bose Nagar,
Arulananda Nagar West Extension,
Thanjavur.
- 4.The Tahsildar,
Thiruvaiyaru Post & Taluk,
Thanjavur District.
- 5.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
- 6.The Block Development Officer,
Office of the Panchayat Union,



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Thiruvaiyaru Taluk,
Thanjavur District.

7.The President,
Rayampettai Village Panchayat,
Thiruvaiyaru Taluk,
Thanjavur District.

8.Anthoniraj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the sixth respondent to pass order to measure and fix the boundaries for the property comprised in S.No.233/2A-0.08 cent of Rayampettai Village, Thiruvaiyaru Taluk, Thanjavur District and also direct the respondents 1 to 7 to remove the dead bodies from the petitioner's patta land at once at the earliest.

For Petitioner	:	Mr.P.Ganapathi Subramanian
For R1 to R4	:	Mr.P.Thambidurai Government Advocate
For R5	:	Mr.K.Sanjay Gandhi Government Advocate (Crl. Side)
For RR6 & 7	:	Mr.S.Kameswaran Government Advocate



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ORDER

The petitioner has filed this writ petition for a mandamus to the respondents to measure and fix the boundaries for the property measuring an extent of 0.08 cents comprised in S.No.233/2A of Rayampettai Village, Thiruvaiyaru Taluk, Thanjavur District and also direct the respondents 1 to 7 to remove the dead bodies from the petitioner's patta land at once at the earliest.

2. The case of the petitioner is that the land measuring an extent of 0.08 cents of the aforesaid Village originally belonged to his grandfather Samikannu Nadar. As Samikannu Nadar's legal heirs executed a registered deed of partition on 08.10.2023, the property in S.No.233/2A among other items fell to the petitioner's share. Right from the date of partition, the petitioner is in exclusive possession and enjoyment of the property. While so, on 27.03.2015, the petitioner's family formed a trust by name “Masila Irudhaya Kuzhandai Memorial Trust” and dedicated the petition mentioned property to carry out charitable activities. Patta No. 785 was also issued in favour of the Trust. On the west of S.No.233/2A,



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burial ground for Christian is situate to an extent of 0.01.0 Ares in S.No. 233/1 and the Christian people used to bury the dead bodies only in S.No.233/1, which is under the control of the eighth respondent.

3. The petitioner would submit that he measured the property in the year 2012 and fenced the same. The eighth respondent removed the fencing and encroached S.No.233/2A to bury the dead bodies. When he took steps to fence the property, he was prevented by the eighth respondent. In this regard, the petitioner sent representations to the respondents 1 to 7 asking them to remove the dead bodies from his patta land and also allow him to fence the property. He also remitted necessary fee to measure the property.

4. The petitioner would further submit that the second respondent by his proceedings dated 10.01.2024 forwarded the petitioner's representation to the sixth respondent to take appropriate action, who in turn informed that he can take steps to measure the property only with the help of the revenue officials and only after fencing the property, they



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can take steps to remove the dead bodies. The petitioner also approached the fifth respondent to measure his property. But there is no response. Hence, the present writ petition.

5. Heard the learned counsel on either side.

6. Though the prayers are two fold, considering the case of the petitioner, only the first prayer is ordered directing the fourth respondent to conduct survey and subdivision of the petition mentioned property. The petitioner shall submit all the relevant records to show his title to the property and the fourth respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. With regard to the second prayer, the petitioner shall renew the same at the appropriate time.



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7. With the above directions, this Writ Petition is partly allowed.

No costs.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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P.T.ASHA, J.

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