



W.P(MD)No.26 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.26 of 2022

Devaki

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Superintendent of Police
Madurai District, Madurai.

3.The Tahsildar,
Melur Taluk,
Madurai District.

4.A.Manavalan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent herein to remove the dead body of the fourth respondent's mother namely Alagumuthu buried on 11.11.2021 from the petitioner's patta land bearing S.No.264, Attapatti Village, Melur Taluk, Madurai District, within the time limit fixed by this Court.

For Petitioner : Mr.T.K.Gopalan

For R-1 to R-3 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R-4 : Mr.S.Sukumaran



W.P(MD)No.26 of 2022

WEB COPY

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the second respondent herein to exhume the dead body of the fourth respondent's mother, viz., Alagumuthu buried on 11.11.2021 in the petitioner's patta land bearing S.No.264, situated at Attapatti Village, Melur Taluk, Madurai District.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in S.No.264, situated at Attapatti Village, Melur Taluk, Madurai District. It is alleged that the fourth respondent buried the body of his mother in the above said land.

3. The learned counsel appearing for the fourth respondent would submit that since the body was buried on 11.11.2021, the body may be decomposed.

4. The learned counsel appearing for the petitioner relied upon the Full Bench Judgment of this Court in the case of ***Jagadheeswari and others Vs. B.Babu and the Government Officials*** (W.A.No.1037 of 2023 dated 20.07.2023), wherein, this Court after confirming the order passed by the



W.P(MD)No.26 of 2022

learned Single Judge has observed that no one is entitled to bury the dead bodies in the patta land. Since the body was buried in the year 2021, the body may be decomposed and hence, there is no purpose to issue a direction to remove the body.

5. In view of the above, the Writ Petition stands disposed of. No costs. However, liberty is granted to the petitioner to file a civil suit before the concerned Court for restraining the parties to interfere with the peaceful possession and enjoyment of the property.

01.02.2024

Index :Yes/No

Internet :Yes/No

TSG

To: -

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Superintendent of Police
Madurai District, Madurai.
- 3.The Tahsildar,
Melur Taluk,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.26 of 2022

M.DHANDAPANI, J.

TSG

W.P(MD)No.26 of 2022

01.02.2024