



WEB COPY

W.P.(MD)No.23869 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.23869 of 2024

P.Marimuthu

... Petitioner

-VS-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Divisional Engineer (Highways),
NABARD and Rural Roads,
Paramakudi,
Ramanathapuram District.

4.The Assistant Divisional Engineer
(Highways)
NABARD and Rural Roads,
Sivagangai.

5.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to forbear the respondents from laying connecting Road or Bridge inside the village common Burial Ground having small extend situated at Ladanenthall Village, Thiruppuvanam Taluk, Sivagangai District, on the basis of the petitioner's representation dated 19.09.2024.

<https://www.mhc.trf.gov.in/judis>



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For Petitioner : Mr.SP.Vijaynivas
For Respondents : Mr.P.Thilak Kumar,
Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

By consent of both parties, this writ petition is taken up for final hearing, at the admission stage itself.

2. The prayer in the writ petition reads as follows:

“To issue a Writ of Mandamus, to forbear the respondents from laying connecting Road or Bridge inside the village common Burial Ground having small extend situated at Ladanenthal Village, Thiruppuvanam Taluk, Sivagangai District, on the basis of the petitioner's representation dated 19.09.2024.”

3. It is the grievance of the petitioner that the respondents are attempting to lay a road across the burial ground. V.Sasikumar, Assistant Engineer, Highways, who is present in Court would submit that the apprehension of the petitioner is not correct. He would state that an area of about 110 square meters forming part of the burial ground is to be used for laying a road. The width of the area would be about 1.5 - 2.0 meters for the length about 45 meters. The total area of burial ground is about 5100 square meters. We find that the proposed formation of the road will not have any major impact on the activities in the burial ground. Hence, we see no reason to entertain the writ petition. The writ

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petition is dismissed.



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4. The learned counsel for the petitioner would submit that the certain third parties have encroached upon the burial ground. The authorities will make a survey of the area and take appropriate action to remove encroachments, if any found. It shall be ensured that the burial ground will have a proper access even after laying a road. There shall be no order as to costs.

[R.S.M., J.] [L.V.G., J.]

14.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Sml

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Divisional Engineer (Highways),
NABARD and Rural Roads,
Paramakudi,
Ramanathapuram District.
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and
L.VICTORIA GOWRI, J.

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