

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.03.2024****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.25684 of 2022 AND****W.M.P.(MD)No.19800 of 2022**

1. Dr.N.Sami Veerappa

2. Dr.N.Kumaraguru

... Petitioners

Vs.

1. The District Collector / Inspector of Panchayat,
O/o.the Collectorate, Pudukottai District,
Pudukottai – 622 005.2. The Revenue Divisional Officer(RDO),
Pudukottai, Pudukottai District – 622 001.3. The Tahsildar,
Gandarvakottai Taluk, Gandarvakottai,
Pudukottai District – 613 301.4. The Village Panchayat President,
Sundampatti Village Panchayat,
Gandharvakottai Taluk,
Pudukottai District – 613 301.5. The Inspector of Police,
Gandharvakottai police station,
Gandharvakottai, Pudukottai District – 613 301.

6. G.Arasan

7. C.Vijayakumar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1 to 4 respondents herein to take appropriate steps to remove the dead body of Late. Govindarasu which was buried in the patta land of the petitioners in



S.No.65/3 measuring 1 Acre 86 Cents, Sundampatti Village, Gandharvakottai Taluk, Pudukkottai without the concerned or permission of the petitioners by considering our representation dated 26.10.2022 within a time stipulated by this Court and pass orders restraining such burial/cremation activities in future and pass orders which may deems fit and proper to the facts and circumstances of the case.

For Petitioner : Mr.V.Meenakshisundaram

For R-1 to R-3 : Mr.K.S.Selvaganesan,
Additional Government Pleader.

For R-5 : Mr.A.Albert James,
Government Advocate.

For R-4 : Mr.M.Siddharthan

For R-6 & R-7 : No appearance.

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 4 and the learned Government Advocate appearing for the fifth respondent.

2. The private respondents have not chosen to enter appearance, even though they have been served.

3. The grievance of the petitioner is that the sixth respondent had unlawfully and in a high-handed manner buried the dead body of his



father in the patta land of the writ petitioners.

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4. It is beyond dispute that the land in which the dead body has been buried is not a notified burial ground. The conduct of the sixth respondent is clearly illegal. I declare it to be so. However, I am not in a position to permit the petitioner to exhume the body. This is because it is practically not possible. Almost 1½ years have elapsed. However, I permit the petitioner to use JCB to till or plough or treat the ground in any manner. If it is objected by the sixth respondent or any other persons, criminal case shall be registered against them by the fifth respondent. It is the duty of both the revenue authorities as well as the police to ensure that the villagers are not allowed to interfere with the property rights of the writ petitioners. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

19.03.2024

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

G.R.SWAMINATHAN,J.



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W.P.(MD)NO.25684 OF 2022

PMU

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3. The Tahsildar,
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Pudukottai District – 613 301.
4. The Village Panchayat President,
Sundampatti Village Panchayat, Gandharvakottai Taluk,
Pudukottai District – 613 301.
5. The Inspector of Police,
Gandharvakottai police station, Gandharvakottai,
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