



W.P(MD)No.28582 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM :

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.28582 of 2023
and
W.M.P(MD)No.24630 of 2023**

Abdul Rahman

... Petitioner

vs.

1.The District Collector,
Collector Office,
Thanjavur District.

2.The Tahsildar,
Papanasam Taluk,
Thanjavur District.

3.The Village Administrative Officer,
Pandaravadai Village,
Papanasam Taluk,
Thanjavur District.

4.The Village President,
Papanasam Taluk,
Pandaravadai Village,
Thanjavur District.

5.The President,
Scheme Trust Board,
Periya Palli Vasal,
Pandaravadai Village,
Thanjavur District.

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, by forbearing the 5th respondent from burying the dead bodies at the residential plots in Survey Nos.87/3, 87/3A, 87/3G, at Pandaravadai Village, Papanasam Taluk, Thanjavur District and consequently directing the respondent Nos.1 to 4 to take necessary action against the 5th respondent based on the representation, dated 09.08.2023 within the time stipulated by this Court.

For Petitioner : Mr.S.Balaji
For R1 to R4 : Mr.P.Thilakkumar, Government Pleader
For R5 : Mr.B.Jameel Arasu

ORDER

R.MAHADEVAN, A.C.J.
AND
G.R.SWAMINATHAN, J.

Heard both sides.

2. The case of the petitioner is that the 5th respondent must be prevented from burying dead bodies in the petition mentioned lands.



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3. The learned counsel appearing for the 5th respondent asserted that they have nothing to do with the petition mentioned lands. This controversy need not detain us.

4. The learned Government Pleader appearing for the respondents 1 to 4 confirm that the petition mentioned survey numbers have not been notified as burial ground.

5. The issue raised by the writ petitioner is no longer res integra. The Full Bench of this Hon'ble High Court in the decision reported in 2023 SCC Online Mad 4773 in the case of Jagadheeswari and other vs. B.Babu Naidu and others, had held that after the promulgation of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999, any burial in the place other than the place already registered or licenced as burial ground would be in contravention of the statutory rules. The Hon'ble Full Bench went to the extent of holding that any dead body buried in a non notified place must be exhumed and buried in the designated place. We are, therefore, satisfied that a case for issuing direction has been made out. This will ensure that in the petition mentioned lands, there would be no more burial of the dead bodies.



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6. The Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D., A.C.J.] & [G.R.S., J.]
19.06.2024

Index : Yes / No
Neutral Citation : Yes / No
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