



W.P.No.2833 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.2833 of 2025

The Tamil Evangelical Lutheran Church,
Holy Comforter Church,
Tindivanam, Pastorate,
Rep. by its Pastorate Chairman,
Rev.S.Ananda Selvakumar

... Petitioner

Vs.

- 1.The District Collector,
Master Plan Complex Collocorate,
Villupuram District – 605 602.
- 2.The Assistant Director,
(Panchayats)
District Collector's Office,
Villupuram – 605 602.
- 3.The Revenue Divisional Officer,
NH-45A, Villupuram Puducherry Road,
Villupuram District – 605 602.
- 4.The Block Development Officer,
Vannur Panchayat Union, Vannur Post,
Villupuram District – 605 111.
- 5.J Sekar (alias) Udayakumar,
The President,



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Village Panchayat, Poothurai,
Vannur Taluk, Villupuram District – 605 111.

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... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the second respondent to pass orders in the statutory appeal filed by the petitioner dated 05.08.2024 as per Rule 5(4) of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999 in the Land which is situated in Survey No.289/3, Old Survey No.244/2 of Poothurai Village, Vanur Taluk Villupuram District forthwith.

For Petitioners : Mr.P.Ebenezer Paul

For Respondents 1 to 3 : M/s.R.L.Karthika,
Government Advocate

For Respondent 4 : Mr.S.Jayachandran,
Government Advocate

ORDER

The petitioner has filed this petition to direct the second respondent to pass orders in the statutory appeal filed by the petitioner dated 05.08.2024 as per Rule 5(4) of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999 in the Land which is situated in Survey No.289/3, Old Survey No.244/2 of Poothurai Village, Vanur Taluk



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Villupuram District forthwith.

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2. Since no adverse order has been passed, this writ petition has been taken up for final hearing.

3. The case of the petitioner is that TELC Holy Comforter Church was established in the year 2003 at Pattanur Village, Vanur(Taluk) Villupuram and it is in existence for the past 21 years. To bury the dead bodies of the members of the Church, one of the members of the TELC Church namely N. Johnson son of Nalliah John gave 65 cents of dry land to the TELC Holy Comforter Church (hereinafter called the church) by a gift deed dated 17-04-2018, the Land is situated in Survey No 289/3, Old Survey No 244/2 of Poothurai Village, Vannur Taluk Villupuram District. Based on the gift deed executed by the said Johnson in Document No 1605 of 2018 on file of the Sub- Registrar Officer Vannur dated 17-04-2018, Patta was changed in the name of the Church with Patta No 7347 issued on 04-10-2019.



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3.1. The Tahsildar, Vannur, after being satisfied that there being no residence in the nearby place, overruled the objections given by the Poothurai Village People and recommended to the grant of permission/license to have the graveyard in the said premises by the Church. The third respondent also sent a report to the District Backward Class and Minority Welfare Officer Villupuram, who also recommended for the grant of permission/license to have the graveyard in the said place by the Church in Na.Ka.A2/4263/2020 dated 05-12-2022. In this background, the fourth respondent passed an order in his proceedings in Na.Ka.No.B2/504/2023 dated 31.05.2023 stating that the villagers have stated that one common graveyard is available in the village and there is no need to have a separate graveyard to Christians and the Village Panchayat President has given an instruction and thereafter the Panchayat has refused to grant permission/ license.

3.2. The petitioner filed Appeal Under Rule 5(4) of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999 on 05-08-2024 against the order of rejection passed by the fifth respondent. On 29-10-2024, the second respondent stated that he cannot recommend for



the grant of license. The second respondent, appellate authority under the above statutory rule is bound to pass an order in the appeal after giving reasonable opportunity of being heard to the appellant. However, the petitioner was denied the reasonable opportunity of being heard which is in violation of the statutory provision. Hence, the petitioner has come forward with the present writ petition.

4. Though many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the second respondent to pass orders in the statutory appeal dated 05.08.2024 as per Rule 5(4) of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999 on merits and in accordance with law, within a particular time frame to be fixed by this Court.

5. Learned Government Advocate appearing for the respondents 1 to 3 submitted that the enquiry has already been conducted on the appeal dated 05.08.2024 filed by the petitioner and only final order has to be passed by the second respondent.



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6. Heard the learned counsel on either side and perused the materials placed on record.

7. In view of the above submission made by the learned Government Advocate appearing for the respondents 1 to 3, the second respondent is directed to pass appropriate orders on the appeal dated 05.08.2024 filed by the petitioner on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the aforesaid observation and directions. No costs.

05.02.2025

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



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