



W.P.No.5748 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.5748 of 2025
and WMP.No.6330 of 2025

K.B.Nagendiran

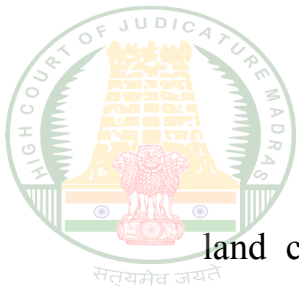
... Petitioner

vs.

1. The District Collector,
Chengalpet District.
Chengalpet.
2. The District Revenue Officer,
Chengalpet District,
Chengalpet.
3. The Tahsildar,
Thirukazhukundram Taluk,
Chengalpet,
Chengalpet District.
4. S.S.Dan
5. The President,
Kuzhipathandalam Village Panchayat,
Thirukazhukundram Union,
Chengalpet District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents 1 to 3 to restore the existing burial ground in S.No.55 and its pathway through the



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land comprised in S.No.54/3A2B/54/B and 54/3c, Kuzhipanthandalam Village, Thirukazhukundram Taluk, Kancheepuram District by acquiring the land of the 4th respondent so as to enabling the petitioner and other villagers to use the burial ground in S.No.55 situated at Kuzhipanthandalam Village, Thirukazhukundram Taluk, Kancheepuram District.

For Petitioner : Mr. M.R.Jothimanian
for M/s.K.Balu

For R1 to R3 : Mr.M.Rajendiran
Addl.Govt.Pleader

ORDER

The present writ petition has been filed to direct the respondents 1 to 3 to restore the existing burial ground in S.No.55 and its pathway through the land comprised in S.No.54/3A2B/54/B and 54/3C, Kuzhipanthandalam Village, Thirukazhukundram Taluk, Kancheepuram District by acquiring the land of the 4th respondent so as to enabling the petitioner and other villagers to use the burial ground in S.No.55 situated at Kuzhipanthandalam Village , Thirukazhukundram Taluk, Kancheepuram District.

2. It is the case of the petitioner that the 4th respondent had



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purchased the lands comprised in S.No.54/3B and 54/3C at

Kuzhipanthandalam Village under a Sale Deed dated 09.05.2005 vide

Doc.No.1717/2005 on the file of Sub-Registrar, Thirukazhukundram,

Kancheepuram District even when the villagers of Kuzhipanthandalam

were using the piece of land comprised the aforesaid land as pathway to

carry the corpus to the burial ground situated the land comprised in

S.No.55 adjacent to the aforesaid lands. The 4th respondent did not

object the same for the past 13 years even though the villagers using the

said pathway from time immemorial. There is no other ingress and

egress to the said burial ground situated at S.No.55 for several decades.

The 4th respondent created a temporary obstruction in the way by using

barbed wire enclosing the said lands. Thereafter the villagers of

Kuzhipanthandalam, had made a representation dated 25.04.2018 to the 3rd

respondent, since no action was taken. Again, the said villagers sent

representation dated 02.07.2018 to the 1st respondent. Thereafter, the 4th

respondent put up a wall to the height of 6 feet and to the length nearly 9

feet and obstructed the pathway and he also removed the Harichandran

statue which has been installed in the pathway.

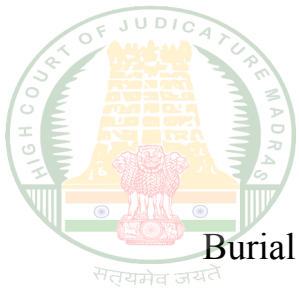
3. It is further case of the petitioner that the third respondent had



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issued an order dated 31.01.2019 in which he temporarily allotted a Poramboke land comprised in S.No.334/1 to an extent of 0.29.0 Ares for the purpose of burial ground. The said place is located very near to the residential area, school, Veterinary Hospital, drinking water tank, etc. The 4th respondent already filed O.S.No.75/2008 on the file of the District Munsif cum Judicial Magistrate Court, Thirukazhukundram, Kancheepuram District for declaration and permanent injunction in respect of the disputed pathway leading to the burial ground and the same is pending.

4. It is further case of the petitioner that challenging the impugned order dated 31.01.2019, the petitioner filed W.P.No.16577 of 2020 before this Court to direct the respondent to restore the existing burial ground in S.No.55 and its pathway to the land comprised in S.No.55/3A2B, 54/B and 54/3C at Kuzhipathandalam Village, Thirukazhukkundram Taluk, Kancheepuram District to remove the obstruction wall erected by the 4th respondent and the said writ petition was disposed on 04.04.2024. It is clear stated that unless and until Panchayat provides for license for burial ground under Section 5 of the Tamil Nadu Village Panchayat (Provision of



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Burial and Burning Grounds) Rules, 1999, no land can be used as a burial ground though it was made as a temporary arrangement for the dispute.

Thereafter, the 1st respondent vide proceedings in Na.Ka.No.1043/2024/A4/Oo.E(OO) dated 27.05.2024 directed the Village Panchayt to provide license to use the land in S.No.334/1 which is classified as Thoppu Poramboke land by complying the said rules. During the course of hearing in W.P.No.16577 of 2020, the 3rd respondent has given a letter dated 21.10.2021 to the first respondent . But no action was taken by the respondents for acquiring the land to access the burial ground in S.No.55 of Kuzhipanthandalam Village.

5. The learned counsel appearing for the petitioner has drawn attention of this Court letter dated 21.03.2024 addressed by the third respondent Tahsildar to the Government Pleader vide R.C.No.255/2019/A1 dated 21.10.2021 wherein it is stated that the detailed proposal for the purpose of acquiring the land in S.No.54/3A2B, 54/3B and 54/C for the purpose of forming approaching road to the said Survey No.55 either through private negotiation or otherwise has been sent to the first respondent but till date no action has been taken by the first



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respondent , District Collector in the present writ petition.. The above

said proposal was sent to the District Collector based on the proceedings of the third respondent Tahsildar vide proceedings in R.C.No.255/2019/Aa.1 dated 31.01.2019.

6. The learned Government Advocate appearing for the respondents 1 to 3 submitted that the proposal has been sent by the third respondent to the first respondent, District Collector, Chengalpattu and the same will be considered by the first respondent District Collector on merits and in accordance with law, within a time frame stipulated by this Court.

7. Heard the learned counsel appearing on either side and also perused the materials available on records.

8. In view of the submissions made by the learned counsel on either side, the first respondent, District Collector, is directed to consider the proposal of the third respondent, on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.



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WEB COPY 9. This writ petition stands disposed of with the above direction.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

To

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Chengalpet District.
Chengalpet.
2. The District Revenue Officer,
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J.SATHYA NARAYANA PRASAD,J.



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