



W.P.No.5600 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.5600 of 2025

KARUPPUSAMY

... Petitioner

Vs

1. THE DISTRICT COLLECTOR,  
DISTRICT COLLECTOR OFFICE, ERODE.
2. THE REVENUE DIVISIONAL OFFICER,  
GOBICHETTIPALAYAM , ERODE DISTRICT.
3. THE THASILDHAR  
ANTHIYUR, ERODE DISTRICT.
4. THE ASSISTANT ENGINEER,  
PUBLIC WORKS DEPARTMENT,  
(WATER RESOURCES MANAGEMENT)  
BACKSIDE TO SUB- REGISTRAR OFFICE,  
ANTHIYUR, ERODE DISTRICT.
5. THE PRESIDENT  
MICHELPALAYAM PANCHAYET,  
MICHELPALAYAM, ANTHIYUR TALUK,  
ERODE DISTRICT.
6. THE INSPECTR OF POLICE,  
ANTHIYUR POLICE STATION,  
ERODE DISTRICT.

... respondent



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**Prayer:** Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records with respect of the impugned proceedings of the third respondent dated 17.12.2024 in Na.Ka.No.7001/2022/A1 and quash the same, consequently direct the respondents to exhume the dead body of the deceased Periyakutti which was buried on 26.09.2024 at S.F.No.906/2 at Anthiyur A revenue Village, Anthiyur Taluk, Erode District and bury the same at the designated burial ground by considering the representation of the petitioner herein dated 26.09.2024, 30.09.2024 and 11.11.2024.

For Petitioner : Mr.R.Nalliyappan  
For R1 to R6 : Mr.V.Manoharan  
Additional Government Pleader

### **ORDER**

This writ petition is filed calling for the records relating to the impugned proceedings of the third respondent dated 17.12.2024 in Na.Ka.No.7001/2022/A1 and quash the same, consequently direct the respondents to exhume the dead body of the deceased Periyakutti which was buried on 26.09.2024 at S.F.No.906/2 at Anthiyur A revenue Village, Anthiyur Taluk, Erode District.



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2. When the matter came up for admission, the learned Additional

Government Pleader took notice on behalf of the respondents.

3. In view of the nature of relief that is granted, the matter is disposed of at the admission stage itself.

4. The brief factual background in which this writ petition arises is that the original designated burial ground in respect of the Poiyerikarai Village lies in S.No. 906/2 with a distance of  $\frac{1}{2}$  kilometres, while the burial site lies elsewhere. Very often, the villagers not respecting the law, have been burying dead bodies in S.F.No. 906/2. Earlier, criminal cases were registered for the burial of other bodies as per the judgement of the Hon'ble Full Bench of this Court made in Jagadheeswari and others vs B.Babu Naidu and others (2023 (4) CTC 481), which held that nobody is entitled to bury a body except in the designated place. In view thereof, the first information report was also registered in respect of the unauthorised burial and the case is under progress. However, it is the contention of the petitioner that every time a case is registered, the act of burying bodies in unauthorised places continues unabated. Therefore, the petitioner approached this Court by way of writ



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petition, praying for the exhumation of the body and reburial in a proper place. This Court directed the consideration of the representation, pursuant to which the impugned order is passed.

5. The learned Counsel appearing on behalf of the petitioner would submit that since the burial is clearly an illegal act, as per the Hon'ble Full Bench judgment of this Court, the law should be in favour of rectifying the mistake and the body should be exhumed and buried in the proper place only. Therefore, the impugned order is to be interfered with.

6. Per Contra, the learned Additional Government Pleader appearing for the respondents would submit that without disputing the legal position, since the body was buried as early as September 2024 and strict action is now being taken by the officials to ensure that no other body is buried except in the designated place, the prayer of the petitioner to exhume the body need not be considered by this Court on humanitarian grounds as it may cause hardship to those who have already buried their loved ones.

7. I have considered the rival submissions made on either side and



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perused the material records of the case.

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8. Considering the fact that now five months have already lapsed after the burial of the dead body and considering the submission made by the learned Additional Government Pleader appearing for the respondents that henceforth strict vigil will be maintained to ensure that no dead body is buried in any place other than the earmarked burial ground, this Court is not interfering with the impugned order. At the same time, it is made clear that the Tahsildar shall instruct the jurisdictional revenue officials, including the Village Administrative Officer and the Village Assistant to maintain strict vigil. It is also made clear that if they fail to report or object on the date of death, and burial immediately to the Tahsildar so as to prevent such acts, their names will also be included in the criminal case that will be registered, and they will be investigated.

9. With the above directions and observations, the writ petition is disposed of. No costs.

19.02.2025



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Neutral Citation: Yes/No

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**D.BHARATHA CHAKRAVARTHY, J.**

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