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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 1005 of 2023
and
CMP No. 10067 of 2023**

Rev.V.Thomas

Appellant(s)

Vs

1.The District Collector
Kancheepuram District,
Kancheepuram 631 501.

2.The Panchayat President/Special
Officer,
Paleswaram Village Panchayat,
Block Development Office, Uthiramerur
603 406.

3.The Block Development Officer
BDO Office, Uthiramerur 603406.



Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the Order dated 21.03.2023 and made in WP.No.10270 of 2018.

For Appellant(s): Mr.Tamil Alagan
For Mr.R.Prabhakaran

For Respondent(s): Mr.S.Senthil Murugan,
Special Government Pleader

JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

The writ order dated 21.03.2023 in W.P.No.10270 of 2018 is under challenge in the present writ petition. The writ petition has been instituted challenging the notice dated 16.04.2018 issued by District Collector, Kancheepuram District.

2. The petitioner states that he is the Managing Director of St. Joseph Hospice established in the year 2011.

3. The learned counsel appearing on behalf of the appellant would



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submit that as per the tradition being followed in European Countries to burry dead bodies, the appellant is also burring the dead bodies in his home. The said practice is objected by the Revenue Authorities on the ground that no dead person from other homes should be transported to the home being run by the petitioner. That apart, method of burring the dead bodies in a concrete cavity wall (burial vault) has not been an approved procedure under the law of the land.

4. The notice impugned dated 16.04.2018 would reveal that the petitioner in their home is burring dead bodies in concrete cavity wall, which is not an approved procedure. No proper permission has been obtained from the Director of Public Health and Preventive Medicine for burring the dead bodies by following the above procedure.

5. Since the authorities found that burial of dead body was illegal and in violation of the law of the land, leading to issuance of notice. The writ Court considered the issues and dismissed the writ petition.



6. The learned counsel for the appellant would submit that they have certain traditional values being followed in European Countries and therefore, the competent authorities have to consider the procedures. Thus, a direction may be issued to consider the representation.

7. This Court is of the considered view that in the absence of establishing any rights, even a direction to consider the representation cannot be issued by the High Court. Such a direction would do no service to the cause of justice.

8. Section 278 of the Tamil Nadu District Municipalities Act, 1920 enumerates procedure for Disposal of the Dead. Section 278 speaks about “Registration or closing of ownerless places for disposal of dead”. Section 283 imposes “Prohibition against use of burial and burning grounds dangerous to health or over crowded with graves”. Section 284 denotes “Prohibition in respect of Corpses”.

9. Since the Tamil Nadu District Municipalities Act contemplates



procedures for burial of dead bodies, the said procedure is to be followed duly by obtaining permission/approval from the competent authorities. Any procedure running counter to the Act and the Rules, is an offence. Therefore, the appellant is bound to follow the law of the land.

10. In view of above discussions, the Writ Appeal stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

17-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To
1.The District Collector
Kancheepuram District,
Kancheepuram 631 501 .

2.THE PANCHAYAT PRESIDENT /
Special Officer,
Paleswaram Village Panchayat, Block
Development Office, Uthiramerur 603
406.

3.The Block Development Officer
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