



WEB COPY

WP.No.16138 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP.No.16138 of 2025

and

WMP.No.18271 of 2025

Boyar Community People's Welfare Association,
Represented by V.Parameswaran,
Shooting Range Road, Ghandinagar,
Madukarai, Palakkad Main Road,
Coimbatore - 641 105,
Registration No.11/2025

Petitioner(s)

Vs

1.The District Collector,
Coimbatore - 641018.

2.The Tashildhar,
Madukkarai Taluk,
Coimbatore – 641105.

3.The Block Development Officer,
Madukkarai,
Coimbatore - 641105.

4.The Associated Cement Companies Ltd.,
Madukkarai,
Coimbatore - 641105.



5. The Adani Cements (ACC Limited)
Madukkarai, Coimbatore - 641105.

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6. The Conservator of Forest,
Coimbatore Forest College Compound,
Coimbatore -641043.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, considering the representation made to the 1st Respondent and the same to be taken in consideration for the representation that has to be made to the 2nd and 3rd respondents and thereby directing the respondents not to shift the burial ground situated in Survey No.1047/1, 1047/2, Madukkarai Village, Coimbatore District, which has been in existence for the past 90 years.

For Petitioner: M/s.Pooja Pradeep

For Respondents: Mrs.R.L.Karthika,
Government Advocate
for R1 to R5

Mr.M.S.Prem Kumar,
Government Advocate for R6

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, considering the representation made to the 1st Respondent and the same to be taken in consideration for the representation that has to be made to the 2nd and 3rd respondents and thereby directing the respondents not to shift the burial



ground situated in Survey No.1047/1, 1047/2, Madukkarai Village, Coimbatore

District.

2. The Petitioner, representing the Boyar Community People's Welfare Association comprising over 15,000 individuals in Madukkarai, Coimbatore District, challenges the proposed relocation of a burial ground situated in S.F.No.1047/1 and 1047/2, which has been in continuous use by the community for over 90 years. Originally allocated by the 4th Respondent (Associated Cement Company) and now under the 5th Respondent (Adani Cements), the burial ground has religious, cultural, and sentimental significance. Despite representations to the authorities, the Respondents have taken steps to relocate the burial site to an ecologically unsafe and legally restricted area without following due procedure.

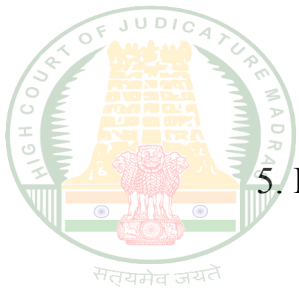
3. Learned counsel appearing for the Petitioner submits that the burial ground situated in S.F.No.1047/1 and 1047/2 of Madukkarai Village, Coimbatore District, has been in continuous use by the Boyar Community for



the past 90 years and holds immense religious, cultural, and sentimental value.

It is contended that the 4th and 5th Respondents, without obtaining proper approval from the competent authorities and in gross violation of law, unlawfully exhumed graves using earth-moving machinery, thereby causing immense emotional distress and endangering public health and safety. The learned counsel further submits that the proposed relocation site in S.F.No.1113/1 is ecologically unsafe due to active wild animal movement, falls under the jurisdiction of the Tamil Nadu Forest Department (6th Respondent), and is not suitable for burial purposes. It is further submitted that the Respondents have failed to follow the procedures mandated under Sections 401 to 410 of the Coimbatore City Municipal Corporation Act, and have disregarded repeated representations made by the Petitioner on behalf of the community.

4. Learned Government Advocate appearing for the respondents would submit that the representation of the petitioner dated 17.03.2025 would be considered on merits, in accordance with law, within a time frame stipulated by this Court.



5. Heard both sides and perused the materials available on record.

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6. Without going into the merits of the case, the third respondent is directed to consider the representation of the petitioner dated 17.03.2025 after conducting a detailed enquiry by giving due notice to the petitioner, affording an opportunity of personal hearing, and pass appropriate orders on merits, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations and direction. No costs. Consequently, connected miscellaneous petition is closed.

25.06.2025

cda/dsn

Index: Yes/No

Speaking/Non-speaking order



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N.MALA,J.

cda/dsn

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