



W.P.No.14315 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.14315 of 2024

Vazhappadi Vattara Thazhathapattoor
Matrum Malaijathiyinar Makkal
Munnetra Nala Sangam,
Regd. No.68/2018
Rep. by its President, P.Palani,
S/o.Perumal,
Muthampatti Post, Sashanchavadi Via,
Vazhapadi Taluk, Salem District.

Petitioner

Vs

- 1.The District Collector
Salem District, Salem.
- 2.The District Revenue Officer
Salem District, Salem.
- 3.The District Adi Dravidar Welfare Officer
O/o.Collectorate, Salem,
Salem District.
- 4.The Special Tahsildar Adw
O/o.Collectorate,
Salem.



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- 5.The Revenue Divisional Officer
Salem,
Salem District.
- 6.The Tahsildar
Vazhappadi Taluk, Vazhappadi,
Salem District.
- 7.The Block Development Officer,
Vazhappadi Panchayat Union,
Vazhappadi,
Salem District.
- 8.Annamalai,
S/o. Late Chellamuthu Gounder,
Muthampatti Railway Gate Near,
Vazhappadi Post - 636 115,
Vazhappadi Via,
Vazhappadi Taluk,
Salem District.
- 9.Arunachalam,
S/o.Late Chellamuthu Gounder,
Muthampatti Railway Gate Near,
Vazhappadi Post - 636 115,
Vazhappadi Via,
Vazhappadi Taluk,
Salem District.
- (Respondent Nos.7 to 9 impleaded vide order
dated 08.10.2025 made in
WMP No.16003/2024)
- 10.The District Registrar,
Registration Department,
Salem East District,
Kamarajar Nagar Colony Post,
Salem.



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11.The Sub Registrar,
Registration Department,
Vazhappadi, Vazhappadi Taluk,
Salem District.

(Respondent Nos.10 and 11 impleaded vide
order dated 08.10.2025 made in
WMP No.18133/2024)

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to remove the fencing erected by the erstwhile owners in so far relate to S.Nos.108/2, 102/2 and pathway for burial ground situated in S.No. 105/1B, Muthampatti Village, Vazhappadi Taluk, Salem District and measure the said land for marking boundaries for each beneficiaries at earliest point of time and also to clear the pathway to reach burial ground situated in S.Nos.108/2 and 105/1B, Muthampatti Village, Vazhappadi Taluk, Salem District.

For Petitioner: Mr.C.Prakasam

For Respondents: Mr.K.Karthik Jagannath
Government Advocate
for respondent Nos.1 to 6, 7,
10 and 11

Mr.L.Mouli
for respondent No.8

No appearance
for respondent No.9



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ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

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Heard learned counsel for the parties.

2. This petition has been filed by the petitioner, styled as public interest litigation, seeking issuance of mandamus to the authorities to remove the fencing erected by the erstwhile owners in so far as it relates to Survey Nos.108/2, 102/2 and pathway to burial ground situated in Survey No.105/1B in Muthampatti Village, Vazhappadi Taluk, Salem District.

3. According to learned counsel for the petitioner, though the land of the private respondents has been acquired under the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (for short "*the Act*"), private respondents are obstructing access to burial ground on the claim that they continue to be owners and are in possession of the land comprised in Survey No.108/2.

4. Learned State counsel would submit that the land comprised in Survey No.108/2 has been acquired for the purpose of Harijan



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Welfare Scheme upon issuance of notification under sub-section (1) of Section 4 of the Act.

5. Learned counsel appearing for respondent No.8 would submit that the legality and validity of the acquisition proceedings is under challenge before this Court and the petition is pending consideration. He would further submit that, as a matter of fact, there is no necessity of using the land comprised in Survey Nos.108/2 in order to have an access to burial ground, as burial ground is not situated in Survey No.102/2 or Survey No.105/1B. According to him, burial ground is situated elsewhere.

6. The issue as to whether in order to approach the burial ground it is necessary to pass through the land comprised in Survey No.108/2 can be examined only by spot inspection.

7. In any case, once notification for acquisition has been issued under Section 4(1) of the Act, the private respondents cannot claim any title or even possessory right over the land, as the land vests with the government by virtue of the provision contained in Section 5 of the Act. Though there is challenge to the acquisition proceedings, learned



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counsel for respondent No.8 would submit that there is no interim order operating. Therefore, leaving it open to workout his remedy in the matter of challenge to the acquisition proceedings, we are inclined to dispose of this petition with a direction to the State authorities to identify whether for the purposes of approaching the burial ground, the villagers are using the land comprised in Survey No.108/2. If it is found that the villagers are using that road for access to burial ground, the State authorities shall ensure that no resistance is offered by the private respondents.

There shall no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
10.12.2025

Index : Yes/No
Neutral Citation : Yes/No
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