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W.P.No.18566 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

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THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18566 of 2025

and

W.M.P.No.20833 & 20834 of 2025

C.Madesh

.... Petitioner

Vs

1.The District Collector,
Krishnagiri District,
Office of the Collectorate,
Krishnagiri.

2.The District Revenue Officer,
Krishnagiri District,
Office of the Collectorate,
Krishnagiri.

3.The Revenue Divisional Officer,
Krishnagiri District,
Office of the Collectorate,
Krishnagiri.

4.The Tahsildar,
Pochampalli Taluk,
Krishnagiri District.

5.The Block Development Officer,
Village Panchayat,
Bargur Panchayat Union,
Bargur, Krishnagiri District.

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6.The Village Panchayat President,
Veppalampatti Village,
Pochampalli Taluk,
Krishnagiri District – 635 206.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 25.01.2025 in Na.Ka.No.31632/2024/H3 passed by the 1st respondent, quash the same and consequently forbear the respondents from converting or permitting to use as burial ground in Survey No.678, measuring an extent of 0.38 Hectares situated at Vappalampatti Village, Pochampalli Taluk, Krishnagiri District.

For Petitioner : Mr.A.Tamilarasan

For R1 to R4 : Mr.S.Rajesh
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent, dated 25.01.2025, thereby transferring the land comprised in Survey No.678, to an extent of 0.38 Hectares, situated at Veppalampatti Village, Pochampalli Taluk, Krishnagiri District, thereby converting the same as burial ground and permitting to bury the bodies and also for the purpose of laying road.



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2.The petitioner owned agricultural land comprised in Survey No.660/2B1, 661/22A1 and 677/2A, measuring a total extent of 0.12.93 hectares, situated at Veppalampatti Village, Pochampalli Taluk, Krishnagiri District. There is a common Well situated in Survey No.675, which is adjacent to the petitioner's land. The said Well was used by the villagers for drinking water purposes. There are grove lands containing coconut trees and tamarind trees is located in Survey No.678, which is classified as Thoppu Poramboke.

3.While being so, the villagers attempted to use the said land in Survey No.678 as a burial ground. When the petitioner and other villagers objected, the respondents 3 to 7, without considering their objections, permitted burials to be carried out in the said land. Such action is in violation of Tamil Nadu Village Panchayat (Provision of Burial and Burning Grounds) Rules, 1999.

4.The learned counsel appearing for the petitioner submitted that while pending writ petition, an Advocate Commissioner was appointed and



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as per the report submitted by the Advocate Commissioner, the subject land is located within 60 meters from the burial ground. It is further reported that the residential house is located within 80 meters from the burial ground. Several residential houses, a temple and a public water tank are situated within 65 meters from the burial ground and a 20 feet wide water canal is located approximately 84 meters away from the burial ground. The learned counsel further submitted that the Hon'ble Full Bench of this Court has categorically held that, after the Rules, any burial made in a place other than a registered or licensed burial grounds is in contravention of Rule 7(1). It has also been held that any body buried in violation of Rules 5 and 7 is liable to be exhumed and re-buried in the designated burial ground.

5.A perusal of the counter affidavit filed by the fourth respondent and the submissions made by the learned Government Advocate, reveals that approximately 150 families belonging to the Adidravidar community are residing in Veppalampatti and Thoppadikuppam Village. For several years, they have not had designated burial ground to bury their dead bodies. As a result, they have been compelled to bury the dead bodies either in the nearby water course / river or in their own patta lands. Therefore, the villages



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made several representations requesting allotment of land for use as a burial ground for the Adidravidar community. Considering the representations submitted by them and on receipt of the reports from the Revenue Department, the subject land was identified and proposed for allotment as a burial ground.

6.The subject land, comprised in Survey No.678, is classified as Thoppu Poramboke in the Government records. The land has remained vacant and free from encroachments for several years. The records further indicate that there are already nine existing graves in the said land and that eight coconut trees and two tamarind trees are standing there. In view of these factors, the authorities allotted the said land for burying the dead bodies of the Adidravidars of Veppalampatti Village and Thoppadikuppam Village. Accordingly, by the proceedings dated 25.01.2025, the land was subdivided into Survey Nos.678/1, 678/2 & 678/3. The land comprised in Survey No.678/1 to an extent of 0.17.76 hectares has been classified as Veppalampatti Adidravidar Burial Ground, the land comprised in Survey No.678/2 to an extent of 0.16.20 hectares has been classified as Thoppadikuppam Adidravidar Burial Ground and the land comprised in



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Surve No.678/3 to an extent of 0.04.04 hectares has been classified as 'Pathai'.

7. A perusal of the Advocate Commissioner Report reveals as follows:

“I respectfully submit that this Hon'ble Court directed me to file a report regard to existence of any dwelling houses or public water sources within a 90 meters radius from the burial ground. I hereby submit my findings as follows :

(1) A public well is located 60 meters to the North of the burial ground comprised in S.No.678.

(2) A residential house is located 80 meters to the Northwest of the burial ground comprised in S.No.678.

(3) Several residential colonies, a temple and a public water tank are located 65 meters to the Southwest and 87 meters to the burial ground comprised in S.No.678.

(4) A 20 feet wide water canal is located approximately 84 meters to the North of the burial ground comprised in S.No.678.

8.It is further revealed that a total number of ten bodies have already been buried in the subject land. Further, these burials have been taken place



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long ago, indicating that the subject land has been used as a burial ground for several years. That apart, the report submitted by the Village Administrative Officer of the said village reveals that in the subject land, nine close relatives of the petitioner had been buried. In fact, except for the petitioner, no one has raised any objections to the conversion of the subject land into a burial ground.

9.The Rule came into effect only on 05.10.1999. As per G.O.Ms.No.213, Rural Department (C4), dated 05.10.1999, the Rule 5 prescribes the conditions for opening a burial and burning ground. Accordingly, any new burial or burning ground shall be located at a distance of not less than 90 meters from any dwelling place or source of drinking water supply, except in cases where the land is already licensed as a burial or burning ground. The Rule 7 (3) provides as follows :

“7.Place for burial and burning grounds :

(3) If a Village Panchayat is satisfied -

(a) that any registered or licenced place burying or burning of the dead is in such a state or situation as to be or likely to become dangerous to the health of persons living in the neighbourhood thereof ; or



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(b) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground, another convenient place duly authorised for burying or burning of the dead exists or has been provided for the persons who would ordinarily make use of such place, it may with the previous sanction of the Assistant Director (Panchayats) give notice that it shall be not lawful after the expiry of a period of not less than two months to be specified such notice to bury or burn any corpse at such place.

10.A perusal of the photographs reveals that the land has been converted into a burial ground and is lying vacant for the past several years. As per the Advocate Commissioner's report, the burial ground is situated 60 meters away from the public Well, 80 meters away from the residential houses and 65 meters away from the public water tank and temple and 84 meters away from a 20 feet wide water canal. It is further revealed that from time immemorial, the villagers have been burying the bodies in the said land, including the close relatives of the petitioner. Further, the petitioner, being an adjacent landowner, raised objections, while no other member of the public has opposed the conversion of the subject land into a burial ground.



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11. Further, as per the Village Administrative Officer's report, the burial ground is not likely to cause any danger to the health of persons living in the neighbourhood. The Well used for drinking water is a closed one. If the villagers are not permitted to bury the bodies in the subject land, they would use the bund of the water canal as a burial ground. Therefore, the first respondent rightly allotted the subject land for use of a burial ground. Hence, there is no contravention of Rule 7 of the Tamil Nadu Village Panchayat (Provision of Burial and Burning Grounds) Rules, 1999. Further, the judgment cited is also not applicable to the case on hand, since, it arises on a completely different set of facts. There is no residential houses, water canal or well located adjacent to the subject land. Further, there will not be a dangerous health hazard from the burial ground. That apart, the subject land was originally classified as "Thoppu Poramboke" and is lying vacant with trees.

12. In view of the above, this Court finds no infirmity or illegality in the order dated 25.01.2025 passed by the first respondent. Thus, the writ petition lacks merits and is liable to be dismissed. Accordingly, this Writ



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Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral citation :Yes/No

Index:Yes/No

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