



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.A.No.3075 of 2025

and C.M.P.No.23387 of 2024

Susanna K.

... Appellant

vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.
- 2.The Revenue Divisional Officer (RDO),
Chennai South Revenue Division,
Little Mount, Kotturpuram, Chennai – 600 032.
- 3.The District Collector,
Office of the District Collectorate,
Thoothukudi – 628 101, Thoothukudi District.
- 4.The Revenue Divisional Officer (RDO),
Tiruchendur Revenue Division,
Tiruchendur – 628 215,
Thoothukudi District.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order dated 21.04.2023 made in W.P.No.12438 of 2023 on the file of this Court by allowing this writ appeal.

For Appellant : Mr.S.Lakshmanasamy

For Respondents : Ms.K.Aswini Devi

Standing Counsel for R1

Mr.E.Vijay Anand

Additional Government Pleader



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for R2 to R4

JUDGMENT

The Intra Court Appeal is filed challenging the order passed by the learned Single Judge dismissing the writ petition filed by the appellant seeking a direction to the first respondent local authority to consider his representation seeking transfer of mortal remains of appellant's grandfather viz., S.K.Immanuel from St.Andrew's Church Cemetery, Pallavan Salai, Chennai – 2 to appellant's ancestral family burial ground located at her ancestral village in Christ Church, Mavidupannal Village, Thenthiruperai, Eral Revenue Taluk, Tiruchendur Revenue Division, Thoothukudi.

2. According to the appellant, her grandfather died on 22.07.1987, when he was under treatment at Christian Medical College Hospital, Vellore. The final rites of grandfather was performed and his mortal remains were buried at St.Andrew's Church Cemetery, Pallavan Salai, Chennai – 2. Nearly, after 36 years, the petitioner, granddaughter of the deceased approached this Court, seeking direction for transfer of the mortal remains to her ancestral village.



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3. The learned Single Judge, after considering the relevant statutory provisions under Chennai City Municipal Corporation Act, came to the conclusion that there was no scope for transfer of mortal remains from one place to another and statutory regulations provide only for burial in the same place of any member of the family after specified period. Therefore, it is clear, there is no statutory duty imposed on the official respondents to consider the request for transfer of mortal remains. It is settled law, in order to issue a writ of mandamus, the petitioner shall establish there is a legal duty on the part of the respondents and there was failure to perform said legal duty. In the case on hand, the petitioner miserably failed to establish any legal duty on the part of the respondents.

4. The petitioner has approached this Court after 36 years from the date of burial of mortal remains. Even assuming transfer of mortal remains is permitted, the possibility of finding any mortal remains in the burial site may not be possible due to passage of time.

5. In such circumstances, we do not find any legal infirmity to



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interfere with the order passed by the learned Single Judge. According, the Writ Appeal stands dismissed. Consequently, connected miscellaneous petition is closed.

(R.S.K., J) (S.S., J)
25.10.2025

Index : Yes
Speaking order : Yes
Neutral Citation : Yes
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To

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and
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