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W.M.P.No.38307 of 2025
in W.P.No.27834 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.09.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.M.P.No.38307 of 2025
in
W.P.No.27834 of 2023

--

Mr.K.S.Mohammed Mustaq Ali

.. Petitioner

Vs.

1. The Collector,
Ranipet District,
Collectorate Office,
Ranipet-632 404.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Ranipet-632 404
3. The Revenue Divisional Officer,
Arakkonam Revenue Division,
Winterpet, Arakkonam-631 001.
4. The Tahsildar,
Arakkonam Taluk,
Taluk Office, Arakkonam Town,
Ranipet District.
5. Arakkonam Municipality,
Arakkonam Taluk,
Arakkonam Town,
Ranipet District.
(R-5 suo motu impleaded
as per order dated 25.09.2023
in W.P.No.27834 of 2023)

.. Respondents

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W.M.P.No.38307 of 2025 filed under Article 226 of the Constitution of India, praying to recall the final order dated 14.10.2024 and pass suitable order as this Court may deem fit in the light of the interim directions issued by this Court to acquire the subject lands and pay the just and reasonable compensation to the petitioner.

For petitioner : Mr.M.Venkatakrishnan

For respondents: Mrs.S.Anitha, Spl.G.P. for RR-1, 3 and 4

Mr.S.Balaji, Govt. Advocate (Crl. Side) for R-2

ORDER

The petitioner has filed the main Writ Petition for issuance of a Writ of Mandamus to the first respondent to consider the petitioner's representation, dated 16.03.2021, requesting appropriate action through the respondents 2 to 4 to exhume the remains of the dead bodies buried in Survey No.522/3, Vadamambakkam Village, Arakkonam Taluk, Ranipet District and bury the remains of the dead bodies in the designated existing burial ground in within the time to be fixed by this Court.

2. The main Writ Petition in W.P.No.27834 of 2023 was dismissed by this Court on 14.10.2024 based on the representation made by the learned Additional Government Pleader that during the pendency of the Writ Petition, necessary steps were taken to acquire the subject property under the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act, 1978 for the

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purpose of the burial ground and in view of the above submission of the learned Additional Government Pleader, no further adjudication was necessary and hence, the main Writ Petition was dismissed.

3. Now, the present miscellaneous petition is filed to recall the above order dated 14.10.2024.

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

5. In view of the dismissal of the present Writ Petition, the respondents/authorities have not acquired the land and the place was also earmarked for burial ground purpose.

6. In the counter affidavit filed before this Court by the respondents 1 and 3, dated 28.11.2023, it was brought to the notice of this Court the following factual aspects:

"8. I submit that the petitioner's land been land adjoining Jai Bheem Nagar further encroached by building residential houses and since the petitioner was not in possession and enjoyment of the said lands, the people of that area have been using the said lands as burial ground for the past 22 years.

9. I submit that the electric cremation measuring 770 Sq.Meters in T.S.No.110, Block 7 Ward No.B is situated/located approximately 759 meters away from Jai Bheem Nagar.

10. I submit that by the communication dated 17.11.2023 the department of Adi Dravidar welfare has



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conveyed the acquisition of the land was by the residents of Jai Bheem Nagar as burial ground for the welfare of the Adi Dravidar more so as the lands have been used as burial ground for the post 35 years and cannot be used for by other purpose.

11. I submit that action has been taken on the petitioner's representation, dated 16.03.2021 and to provide relief to the petitioner, land acquisition proposal. Exhuming the bodies and a reburial of the same on relocation will pause hurt the sentiments but also likely to lead to law and order issues.

It is therefore prayed that this Hon'ble Court may be pleased to pass orders for compliance in letter and spirit by this 4th respondent."

7. In view of the above averments having been made in the counter affidavit, paragraph 2 of the final order dated 14.10.2024 shall stand deleted and the Writ Petition shall stand disposed of, recording the above contents of the counter affidavit. The process of acquisition of the land(s), shall be completed within a period of one year from the date of receipt of a copy of this order by the respondents.

8. This recall petition is disposed of in the above terms. There shall be no order as to costs.

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M.DHANDAPANI, J

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