



WEB COPY



W.P.No.949 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.949 of 2024

K.Sivagamasundari

... Petitioner

Vs

1.The District Collector
Collector Office,
Thiruvarur District.

2.The Commissioner
Thiruvarur Municipality,
Thiruvarur.

3.The Thasildar
Thasildar Office,
Thiruvarur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents 1 to 3 herein to take steps to Exhume the body buried in the Petitioner's Patta land situated in block No:16, T.S.No.810/1 situated at Melaseethananga Kattalai, Thiruvarur Town and its road margin and relocate the same to the burial ground allotted by the Municipality by considering the Petitioner's representation dated 12.06.2023.

For Petitioner : Mr.J.Nandagopal

For Respondent : Mr.T.M.Rajangam,



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Government Advocate for RR-1 to 3

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ORDER

This Writ Petition has been filed seeking a direction to the Respondents 1 to 3 herein to take steps to Exhume the body buried in the Petitioner's Patta land situated in block No:16, T.S.No.810/1 situated at Melaseethananga Kattalai, Thiruvarur Town and its road margin and relocate the same to the burial ground allotted by the Municipality by considering the Petitioner's representation dated 12.06.2023.

2. It is the case of the petitioner that dead bodies are being buried by the local villagers in the vacant land comprised in Block No:16, T.S.No.810 at Melaseethananga Kattalai, Thiruvarur Town belonging to the petitioner. Hence, the petitioner made a representation dated 12.06.2023 to the respondents requesting to take steps to exhume the dead bodies buried in the petitioner's patta land and relocate the same to the burial ground allotted by the Municipality. However, no action has been on the same till date. Hence, the petitioner has come up with the present Writ Petition.

3. Learned counsel appearing for the petitioner submitted that it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 12.06.2023 and pass appropriate orders on the same in accordance with law within the time that may be stipulated by this



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4. Learned Government Advocate appearing for the respondents on the basis of the Counter Affidavit filed on behalf of the 3rd respondent submitted that the dead bodies are buried only in the land comprised in Survey No.188 in Ward No.3 in Block No.5 in Melaseethana Kattalai, Thiruvarur Town which is reflected as “Oadampokki Attru Poromboke” in the revenue records and not in the patta lands of the petitioner.

5. Upon perusing the counter affidavit filed by the respondent, this Court was perplexed to find that the bodies are buried in a land which is classified as ‘Odampokki Attru Poromboke’. Therefore, this Court called upon the learned Government Advocate to explain as to the authority under which the dead bodies are buried in a water body which is classified as ‘Odampokki Attru Poromboke’ to which there was no answer forthcoming. It is to be pointed out that the State Government has no power to reclassify the land which has been classified as a water body namely ‘Odampokki Attru Poromboke’ in the revenue records. Further, any such usage of water body which has been classified as ‘Odampokki Attru Poromboke’ is contrary to the decision of the Full bench of this Court which has since been affirmed by the Apex Court. In such view of the matter,



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there shall be a direction to the 1st respondent, the District Collector, Thiruvarur

District shall not permit any person to bury dead bodies either in the patta lands comprised in Block No:16, T.S.No.810 or in the lands comprised in Block No.5 in Survey No.188.

M.DHANDAPANI, J

Nhs

6. This Writ Petition stands disposed of in the above terms. There shall be no order as to costs.

04.11.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs

To

1.The District Collector
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Thiruvarur District.

2.The Commissioner
Thiruvarur Municipality,



Thiruvavarur.

3. The Thasildar
Thasildar Office,
Thiruvavarur.



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