



W.A.No.3219 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

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1. Settu @ Periyasamy
2. Rangasamy
3. Muniyappan
4. Saravanan

.. Appellants

Vs.

1. The District Collector
Collectorate, Collectorate Post
Dharmapuri – 636 705.
2. The Assistant Director of Panchayat
Dharmapuri District, Dharmapuri – 636 705.
3. The Revenue Divisional Officer (RDO)
Dharmapuri District.
4. The Tahsildar
Nallampalli Taluk, Dharmapuri District.
5. The Special Officer-cum-Block Development Officer
Dhalavaihalli Village Panchayat
Block Development Office, Nallampalli Taluk
Dharmapuri District, Pin Code – 636 803.
6. The Village Administrative Officer
Dhalavaihalli Village, Nallampalli Taluk
Dharmapuri District.
7. The Inspector of Police
Indur Police Station
Nallampalli Taluk, Dharmapuri District.



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8. Kaveryammal

.. Respondent

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Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 13.10.2025 made in W.P.No.38413 of 2025.

For the Appellants : Mr.A.Siva Raman

For the Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader
for R1 to R7

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 13.10.2025 made in W.P.No.38413 of 2025.

2. That the present appellants are respondents 8 to 11 respectively in the writ petition. The said writ petition was filed by the present respondent 8, namely *Kaveriyammal*, seeking a writ of mandamus, to direct respondents 1 to 6 therein to exhume the buried body of the father of respondents 11 and 12 therein from the writ petitioner's patta land in S.No.21/3, bearing Patta No.1771 in Nehru Nagar, Dalavaihalli Village Panchayat, Nallampalli Taluk, Dharmapuri District and relocate the buried body at a designated common burial ground lying in Dalavaihalli Village Panchayat based on the writ petitioner's complaint dated 22.09.2025 and 23.09.2025



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and to further direct the official respondents to take steps to prevent further burial of bodies in the writ petitioner's patta land as per the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999¹ and the Full Bench decision of this Court in the case of ***Jagadheeswari and Ors vs. B.Babu Naidu and Ors***².

3. The case that was projected by the writ petitioner before the Writ Court was that, the private respondents 8 to 11 in the writ petition, who are the appellants herein, buried the body of the father of one *Saravanan* and *Raghu*, who stood as respondent 11 and 12 in the said writ petition, at S.No.21/3, bearing Patta No.1771 in Nehru Nagar, Dalavaihalli Village Panchayat, Nallampalli Taluk, Dharmapuri District. It is her further case that, the said survey number is not an identified burial ground under the relevant provisions of the Rules of 1999, therefore, she sought a mandamus to exhume the body belonging to the father of respondents 11 and 12 in the writ petition and to reintern the body in an identified burial ground in that locality.

¹ For brevity, hereinafter referred as "the Rules of 1999"

² AIR 2023 Mad 260



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4. The said writ petition was heard and decided by the impugned order dated 13.10.2025, where, the following directions have been given by the Writ Court:

"(i) the respondent nos. 1 to 6 shall ensure that the body buried in Survey No. 21/3, Nehru Nagar, Dalavaihalli Village Panchayat, Nallampalli Taluk, Dharmapuri District is exhumed within a period of one week from today;

(ii) the body shall be exhumed with due respect relating to the religion to which the deceased belongs;

(iii) the body shall be reinterred in a place notified by the Dalavaihalli Village or such other places notified as a burial ground;

(iv) the costs for such exhumation and reinternment shall be recovered from the respondent nos. 11 and 12, who were responsible for burying the body in Survey No. 21/3;

(v) respondent no.7 shall ensure that sufficient security is granted to respondent nos. 1 to 6 or their authorized person when they are implementing the directions set forth above;

(vi) the said exercise shall be carried out before 25.10.2025;

(vii) Respondent nos. 1 to 7 shall act on the web copy of this order and will not wait for a certified copy.

There shall be no order as to costs.

Call this matter under the caption -for reporting compliance- on 27.10.2025."



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5. In pursuance to the said order, as it was directed to file a compliance report on 27.10.2025, again, when the writ petition was taken up for further hearing on 27.10.2025 to verify whether the order passed by the Writ Court dated 13.10.2025 was complied with or not, the Special Government Pleader who appeared before the Writ Court filed instructions from the Tahsildar, Nallampalli, where, the Tahsildar had stated that, when attempts were made to pacify the parties to smoothly execute the orders passed by the Writ Court, as there was some resistance coming from the present appellants who stood as the private respondents in the writ petition, with the help of the Police, the orders were implemented on 24.10.2025 at 2.00 pm and to that extent, a compliance report has been filed by the Tahsildar, which has been taken into account by the learned Judge, who recorded the same and disposed the writ petition accordingly on 27.10.2025.

6. In the report submitted by the Tahsildar, it has been specifically mentioned that the body was exhumed and the same was reinterred at the Dharmapuri Municipal Burial Ground in the presence of the son and family members of the deceased. Therefore, the orders which is impugned herein has been fully complied with by the Authorities concerned, particularly the



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Revenue Authorities, which is evident from the report submitted by the Tahsidlar, as has been recorded by the learned Judge through his order dated 27.10.2025.

7. In the order impugned dated 13.10.2025, though it was canvassed before the Writ Court that, with regard to the property in question, where the body was originally buried, whether is a private property and drawing to the title over the property, already, a suit has been filed in O.S.No.111 of 2025 before the District Munsif Court at Dharmapuri, where, the suit is pending and that issue since has to be resolved, as claimed by the present appellants, on whose behalf the counsel had appeared before the Writ Court, that plea was negated by the learned Judge on the simple reason that, whether the particular place in which the body was originally buried is a declared burial ground under the provisions of the Rules of 1999 or not and this was an admitted fact that the said land was never been declared to be a public burial ground. When that being so, by following the dictum of the Full Bench in the case of **Jagadheeswari** (cited *supra*), the learned Judge has allowed the writ petition through the impugned order and a set of directions, as has been extracted hereinabove, have been given by the learned Judge.



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8. Even though attempts have been made by the learned counsel appearing for the appellants that, the suit was not filed by the present appellant and moreover, the said suit had not been filed for seeking any declaratory relief with regard to the title over the property, but it is only an injunction suit, therefore, it cannot be taken as a conclusive one for the purpose of coming to such a conclusion by the learned Writ Court in allowing the said writ petition by giving a set of directions to exhume and reintern the body in the public burial ground, we are not impressed with the said submission made by the learned counsel appearing for the appellants for the simple reason that, whether the land where the body was buried belongs to the legal heirs of the dead person or some other third party is not the question to be answered by this Court or this Bench, as that issue has to be necessarily gone into by the Civil Court. Even for the Civil Court, if there is no declaratory relief sought, that kind of risk has to be taken by the party who approached the Civil Court.

9. Even assuming that the present appellants or some of the appellants are not parties to the said *lis* before the Civil Court, it is open to the appellants to file appropriate application before the Civil



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Court to get impleaded as party defendants in the suit if they are desired to do so.

10. Therefore, that kind of reason may not detain us from disposing this writ appeal, as the prayer sought in the writ petition has been allowed, of course rightly, by the learned Judge in view of the Full Bench judgment, where law having been declared so and the directions given by the learned Judge through the order impugned since has been fully complied with, as we have stated *supra*, and the body after having been exhumed from the disputed site, had been reinterred in a public burial ground, when that being so, no relief could be sought by the present appellants in filing this intra-Court appeal, as a result of which, we do not find any reason to interfere with the order passed by the Writ Court, as the writ appeal is completely devoid of merits and therefore, it is liable to be dismissed, accordingly, it is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.26285 of 2025 is closed.

(R.S.K., J.) (S.S.A., J)
02.12.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No



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To:

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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

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