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W.P.No.31944 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.31944 of 2018
and W.M.P.No.37177 of 2018**

Chithralekha

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Cuddalore.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Cuddalore.

3.The District Revenue Officer,
O/o.The District Revenue Officer,
Cuddalore District.

... Respondents

*(*R3 was impleaded vide order dated 28.02.2019 made in
W.M.P.No.6521 of 2019 in W.P.No.31944 of 2018*)*



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent vide Na.Ka.No.V3/9496/2016 dated 30.08.2018, and quash the same and further, forbearing the respondents from acquiring the lands of the petitioner for the purpose of laying road to reach the burial ground for Panapakkam Village, Panruti Taluk, Cuddalore District.

*(*Prayer amended vide order dated 28.02.2019 made in W.M.P.No.6539 of 2019 in W.P.No.31944 of 2018*)*

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.G.Velu
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the order of the second respondent dated 30.08.2018 and for a consequential direction to forbear the



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respondents from acquiring the lands of the petitioner for the purpose of laying road to reach the burial ground in Panapakkam Village, Panruti Taluk, Cuddalore District.

2. The learned counsel appearing for the petitioner submits that the petitioner is the owner of the property comprised in Survey Nos.32/A and 32/3B situated at Panapakkam Village, Panruti Taluk, Cuddalore District and a burial ground is available on the eastern side of the petitioner's land in Survey No.103/2. The general public are using the access to reach the burial ground through the petitioner's land which is affecting the agricultural operation in the surrounding patta lands. Aggrieved by the same, the petitioner has made representation to the first respondent to direct the Revenue Authorities to prevent the use of Survey No.103/2 and there was no response. Therefore, the petitioner filed W.P.No.35577 of 2015 before this



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Court to direct the respondents to prevent the use of Survey No.103/2 as cremation ground. By order dated 04.11.2015, this Court directed the first respondent to consider and pass appropriate order on the representation of the petitioner, pursuant to which, the third respondent called the petitioner for enquiry and the petitioner had also appeared along with relevant documents, however, the third respondent rejected the request of the petitioner, against which, the petitioner has preferred an appeal before the second respondent and the second respondent, vide its impugned order dated 30.08.2018, rejected the appeal. Hence, this Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that this Court may grant liberty to the petitioner to file a fresh suit and canvass all the grounds raised in this petition before the civil Court.



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4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order issued by the second respondent, grants liberty to the petitioner to work out the remedy in the manner known to law. The period during which this writ petition is pending before this Court is to be excluded for the purpose of limitation. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No

Index : Yes / No



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Speaking Order : Yes / No

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To

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M.DHANDAPANI, J.

ssb

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