



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.01.2025**

CORAM:

**THE HONOURABLE MRS.JUSTICE N.MALA**

**W.P(MD)NO.759 OF 2025**

M.Anwar Hussain

: Petitioner

.VS.

1.The District Collector,  
District Collectorate,  
Nagercoil,  
Kanyakumari District.

2.The Tahsildar,  
Kalkulam Taluk,  
Kanyakumari District.

3.The Commissioner of land Administration,  
Ezhilagam, Chepauk,  
Chennai.

:Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to grant assignment of land in S.No.370/4 in Thakley Revenue Village, Kalkulam Taluk, Kanyakumari District in favour of the Petitioner's Jamath for being used as a burial ground by considering the Petitioner's representation, dated 30.4.2019 forwarded by the third respondent to the first respondent by his proceedings in Letter No.G1/9578/2019, dated 28.5.2019 within the time stipulated by this Court.

For Petitioner

:Mr.M.Mahaboob Athiff

For Respondents

:Mr.M.Muthumanikkam  
Govt.Advocate(Civil Side)



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**ORDER**  
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This Writ Petition is filed for a Writ of Mandamus directing the first respondent to grant assignment of land in S.No.370/4 in Thakley Revenue Village, Kalkulam Taluk, Kanyakumari District in favour of the Petitioner's Jamath for being used as a burial ground by considering the Petitioner's representation, dated 30.4.2019 forwarded by the third respondent to the first respondent by his proceedings in Letter No.G1/9578/2019, dated 28.5.2019 within the time stipulated by this Court.

2.Mr.M.Muthumanikkam, learned Government Advocate (Civil Side) takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel for the Petitioner submitted that the Petitioner is a resident of Thucklay Village, Kalkulam Taluk, Kanyakumari District and a member of Thiruvithancode Muslim Jamath, Thuckalay Village. Thiruvithancode Muslim Jamath is one of the oldest Jamath in Kanyakumari District and the said Jamath has a rich heritage and a mosque was also built and it has been maintained by the Jamath from time immemorial. Further the



Mosque of the said Jamath is located in S.No.370/1, Thuckalay Revenue Village, Kalkulam Taluk, Kanyakumari District and the adjacent land which is a Government Poramboke land is used as a burial ground by the Petitioner's forefathers without any hindrance. The Petitioner, therefore, sent a representation on 30.4.2019 to the third respondent for grant of patta to the subject land in S.No.370/4, in favour of the Petitioner to utilise the same as a burial ground.

4. According to the Petitioner, the Petitioner's representation was forwarded to the District Collector, Kanyakumari District by the Additional Chief Secretary, Land Administration Commissioner, Ezhilagam, Chepauk, Chennai-5, on 28.05.2019. The above said Thiruvithamcode Panchayat also passed a resolution in Resolution No.177, dated 30.12.2022, recommending the District Collector to assign the subject land for use as a burial ground by the Jamatdhars. Though several representations and applications were submitted by the Petitioner and also by the Jamatdhars, no action was taken. Therefore, the Petitioner was constrained to file the above Writ Petition for the aforesaid relief.

5. The learned counsel for the Petitioner submitted that the Petitioner's representation, dated 30.4.2019 was kept pending



without any action for the past more than six years. The learned counsel therefore submitted that a direction may be issued to the respondents to dispose of the Petitioner's representation within the time frame fixed by this Court.

6.Considering the fact that the Petitioner's application has been kept pending without any action, I am inclined to issue a direction to the first respondent to dispose of the Petitioner's representation, dated 30.4.2019, on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

7.The Writ Petition is accordingly disposed of. No costs.

**09.01.2025**

NSC :Yes/No  
Index:Yes/No  
Internet:Yes/No  
vsn

To

1.The District Collector,  
District Collectorate,  
Nagercoil,  
Kanyakumari District.



2.The Tahsildar,  
Kalkulam Taluk,  
Kanyakumari District.

3.The Commissioner of land Administration,  
Ezhilagam, Chempauk,  
Chennai.

**N.MALA, J.**



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vsn

**ORDER MADE IN**  
**W.P(MD)NO.759 of 2025**

**09.01.2025**