



W.P.(MD)No.3974 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.3974 of 2025

R.Karupayee

... Petitioner

vs.

1.The District Collector,
Collectorate, Karur, Karur District.

2.The Executive Officer,
Palaya Jeyankonda Cholapuram Town Panchayat,
Krishnarayapuram Taluk, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to initiate appropriate action to construct crematorium under Iyothee Thass Pandithar Haibitation Scheme at Ward 5, North Colony, Palaya Jeyamkondacholapuram, Karur District, after following the due process of law by considering the petitioner's representation dated 26.01.2025 within the period that may be stipulated by this Court.

For Petitioner	:Mr.B.Janarth Kumar
For R1	: Mr.S.Shaji Bino
	Special Government Pleader



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For R2

:Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The petitioner seeks for mandamus directing the first respondent to initiate appropriate action to construct a crematorium under the Iyothee Thass Pandithar Habitation Scheme after following due process of law.

2. The petitioner states that she is a widow, taking care of herself and her mentally challenged son. She claims she is the owner of the property in S.Nos. 672/2D and 672/2C situated at Magadhanapuram South Village, Krishnarayapuram Taluk, Karur District. She pleads that the second respondent is taking steps for construction of Crematorium under Iyothee Thass Pandithar Habitation Scheme. While she has no issue, if the crematorium is constructed over the property, that vests with the second respondent, she alleges that without conducting survey or demarcating the property belonging to the second respondent, the Executive Officer is attempting to encroach upon her property and to put up a crematorium. Hence the present writ petition.



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3. I have heard Mr.B.Jannarth Kumar for the petitioner, Mr.S.Shaji Bino, learned Special Government Pleader, who takes notice on behalf of the first respondent and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice on behalf of the second respondent.

4. With consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

5. Mr.N.Satheesh Kumar reports that it is not an intention of the second respondent to encroach upon the property of the petitioner. This statement is recorded. He states that the property situated in S.No.670/1 of Magadhanapuram South Village, Krishnarayapuram Taluk, Karur District, has been classified as 'Mayana poramboke'. The second respondent is constructing the crematorium over that property and not over the property belonging to the petitioner.

6. Mr.B.Janarth Kumar states that, prior to the commencement of construction, no attempt was made for demarcation.



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7. This issue can be easily resolved. There shall be a direction to the first respondent/ District Collector to instruct the Tahsildar of Krishnarayapuram Taluk, to survey the property situated in S.Nos.670/1 and 672/2C and 2D and demarcate the boundaries. Once S.No.670/1 has been demarcated, it is open to the second respondent to proceed with the construction of Crematorium on that land.

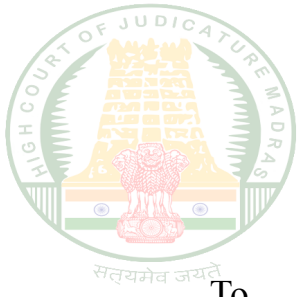
8. The learned Special Government Pleader states that he will instruct the Tahsildar to issue notice to the petitioner and the second respondent during the course of this week and shall proceed with the demarcation at the earliest. This statement is recorded. The said exercise shall be completed within a period of two(2) weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Rmk

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V. LAKSHMINARAYANAN, J.

Rmk

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