



W.P.(MD)No.5089 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5089 of 2025

and WMP (MD) No.3698 of 2025

1. Kasinathan

2. Sivamani

3. Wasim Raja

4. Sivagnanam

: Petitioners

Vs.

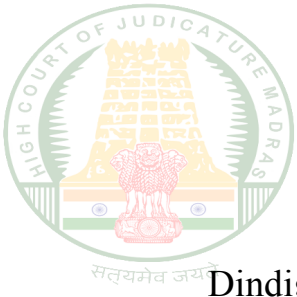
1. The District Collector,
Dindigul District, Dindigul.

2. The Revenue Divisional Officer,
Palani, Dindigul District.

3. The Tahsildar,
Vedasandur Taluk,
Dindigul District.

4. The Block Development Officer,
(Village Panchayat),
Vedasandur Panchayat Union,
Dindigul District.

5. The Divisional Engineer,
National Highways Department,



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Dindigul.

6. Periyasamy

7. Sellamuthu

8. Kuwait @ Headwin Babu

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 5 to take action against the respondents 6 to 8 for their illegal act of burning corpse on the service road of NH-7 comprised in Survey No. 670/1A2 situated at Kalvarpatti Village, Veda sandur Taluk, Dindigul District as per Rule 7 of the Tamil Nadu Panchayat (Provision of Burial and Burning Grounds) Rules, 1999 and further forbearing the respondents 6 to 8 and their men and agent from burning dead bodies in front of the petitioners property by considering the representation dated 05.02.2025.

For Petitioner : Mr. T.Leninkumar

For Respondents : Mr.J.K.Jeyaseelan

Government Advocate

for R1 to R3

Mr.S.Shanmugavel

Additional Government Pleader for R4



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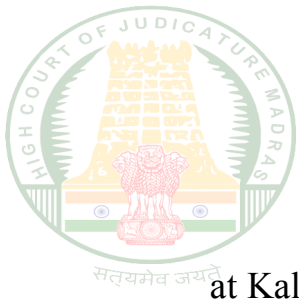
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ORDER

This writ petition has been filed seeking a mandamus, directing the respondents 1 to 5, to take action against the respondents 6 to 8, for the illegal act of burning a corpse in violation of Rule 7 of the Tamil Nadu Panchayat Rules, 1999 and to forbid the respondents 6 to 8, from burning dead bodies in front of the petitioner's property, in consideration of the representation dated 05.02.2025.

2. Heard the learned counsel for the petitioner, Mr.J.K.Jeyaseelan, learned Government Advocate, appearing on behalf of the respondents 1 to 3 and Mr.S.Shanmugavel, the learned Additional Government Pleader, appearing on behalf of the fourth respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 5 to 8, is dispensed with.

3. The petitioners' case is that the third petitioner sold a portion of the property in Survey Nos. 670/3A1A, 670/3B2A, and 670/5



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at Kalvarpatti Village, Veda sandur Taluk, Dindigul District, to the second and fourth petitioners through sale deed Nos.217/2025, 218/2025 and 219/2025. A service road of NH-7 is located on the eastern side of the properties in Survey Nos.670/5 and 670/3A1A. The petitioners' main grievance is that on 19.10.2024, the respondents 6 to 8 cremated a female road accident victim's body in front of their property. Similarly, on 01.02.2025, the respondents 6 to 8 cremated another dead body in the same location. The petitioners submitted a detailed representation on 05.02.2025, requesting the respondents 1 to 5 to take appropriate legal action against the respondents 6 to 8. However, as no action was taken, the petitioner has filed the present writ petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a



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stipulated time.
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5. In the light of the above observations, there shall be a direction to the fourth respondent, to consider the petitioners' representation dated 05.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the fourth respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.02.2025

Index : Yes / No

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Internet : Yes / No

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