



W.P(MD)No.15026 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :14.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.15026 of 2025

and

W.M.P.(MD).No.11265 of 2025

S.Krishnasamy

... Petitioner

VS.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildhar,
Dindigul West Taluk,
Dindigul District.

3. The Block Development Officer (Village Panchayats),
Reddiyarchathiram Panchayat Union,
Dindigul District.

4. The President,
Gurunathanaickanur Village Panchayat,
Dindigul West Taluk,
Dindigul District.

5. K.Palanisamy,
Former Panchayat President,
Gurunathanaickanur Village Panchayat,
Dindigul West Taluk,
Dindigul District.

...Respondents

***(R5 is impleaded, vide Court order, dated 11.06.2025,
in W.M.P.(MD)No.12005 of 2025 in W.P.(MD)No.
15026 of 2025)***



W.P(MD)No.15026 of 2025

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 pertaining to the impugned order in Na.Ka.No.1216/2025/A7 dated 02.04.2025 passed by the 1st respondent and to quash the same and consequently, to direct the respondent Nos.1 to 4 to herein not to shift the existing Burial and Burning Ground from the Land comprised in Survey No.804/1 to Survey No.774/2 at Ramagoundanpatti, Gurunathanaickanur Village, Dindigul West Taluk, Dindigul District, within the time stipulated by this Court.

For Petitioner	: Mr.J.Lawrance
For R1 and R2	: Mr.M.Lingadurai Special Government Pleader
For R3	: Mr.S.Ahamed Yashmin Parvin Government Advocate
For R5	: Mr.C.Prithiviraj
Advocate Commissioner	: Mr.S.Viljoen Ajit

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Na.Ka.No.1216/2025/A7 dated 02.04.2025 passed by the 1st respondent and consequently, to direct the respondent Nos.1 to 4 to herein not to shift the existing Burial and Burning Ground from the Land comprised in Survey No.804/1 to Survey No.774/2 at Ramagoundanpatti, Gurunathanaickanur Village, Dindigul West Taluk, Dindigul District, within the time stipulated by this Court.



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2. Through the impugned order, the respondents have stated that already the existing burial ground is being used for more than several decades.

However, the approach road is narrow and the pattadhars to the land in Survey No.850 is objecting to approach the burial ground (mayanam). Therefore, based on the resolution passed by the Panchayat, the present burial ground (mayanam) is created in Survey No.773.

3. When disputed facts were raised by the either parties, this Court appointed the Advocate Commissioner. The Advocate Commissioner had verified the records, inspected the site and has given an elaborate report. In the conclusion portion, the Advocate Commissioner has stated that the old burial ground can be accessed through private patta lands. The villagers were using the pathway under mutual consensus of the land owners and not by formal or declared public pathway. It is also stated that the pathway is used for more than a decade. Now, the villages and the land owners are objecting. Therefore, it is intended to shift the burial ground. However, the petitioner submitted it is only the landowners are objecting and not the villagers. Further the Panchayat President using his power is trying to shift the burial ground.

4. After hearing the rival submissions this Court had given its



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anxious consideration. On perusing the sketch, it is seen that the burial ground is situated in S.No.804/1 and the approached road is through S.No.805. The land in S.No.805 belongs to Palani Ammal, Rathnam, Kandasami, Andivel and Muniappan. But the entire S.No.805 is not necessary to create pathway. If the existing pathway is allowed, then it cross through two persons' patta land alone. To be specific the land belong to Kandasami and Rathnam alone would come in the said pathway. The Panchayat President is Palanisamy and his cousins are the said Kandasami and Rathinam. The President's cousin's patta land is situated in Survey Nos.805/1C and 805/1B. Therefore, the said pattadhars are objecting to continue the burial in the said land in Survey No.805/1B and 805/1C. Hence, it was proposed to shift to Survey No.773.

5. Admittedly, there is a pathway, which is only three feet. If the pathway is extended to few more feet, the same would be sufficient for using the land as pathway which leads to burial ground. If a proper pathway is created by the revenue authorities by acquiring the portion of the property, the issue could be solved.

6. Therefore, this Court is directing the District Collector to measure the existing pathway, the District Collector shall widen the pathway by acquiring



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the lands. Therefore, the impugned order is quashed and the respondents are directed to carry out inspection and pass appropriate orders and also issue necessary proceedings under the Land Acquisition Act. If the aforesaid steps are taken there is no necessity for the new burial ground in S.No.774/2 at all.

7. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed

14.07.2025

Internet : Yes
Tmg

To:

1. The District Collector,
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Dindigul.
2. The Tahsildhar,
Dindigul West Taluk,
Dindigul District.
3. The Block Development Officer (Village Panchayats),
Reddiyarchathiram Panchayat Union, Dindigul District.



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.15026 of 2025**

DATED :14.07.2025