



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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Wednesday, the Eleventh day of June Two Thousand and Twenty
Five

PRESENT

The HONOURABLE MRS. JUSTICE S.SRIMATHY

WMP(MD). No.12004 of 2025

IN

WP(MD)No.15026 of 2025

S. Krishnasamy,
S/o. Late. Sakkarai Gounder,
Ramagoundanpatti,
Gurunathanaickanur Village,
Dindigul West Taluk, Dindigul District
residing at
Door No.232L, H2 M2, 1st Cross Street,
R.M.Colony, Dindigul Town.

... Petitioner

- Vs. -

1. The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
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.

(R5 is impleaded vide Court order dated 11.06.2025
in WMP(MD). No.12004 of 2025 in
WP(MD)No.15026 of 2025 by SSYJ)

... Respondents

Prayer in WMP(MD). No.12004 of 2025 :-

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to Appoint an Advocate Commissioner to note down the pathway runs from Survey No.204 of Alagupatti Village and to the existing burial ground in Survey Nos.804/1 at Ramagoundanpatti, Gurunathanaickanur Village, Dindigul West Taluk, Dindigul.

Prayer in WP(MD)No.15026 of 2025:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ, order or direction, more particularly in the nature of a Writ of Certiorarified Mandamus, calling 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 quash the same as illegal and consequently direct the respondents No.1 to 4 herein not to shift the existing Burial and Burning Ground from the Land comprised in Survey Nos.804/1 to Survey No.774/2 at Ramagoundanpatti, Gurunathanaickanur Village, Dindigul West Taluk, Dindigul District.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. J. Lawrance, Advocate for the Petitioner and of Mr. M. Lingadurai, Special Govt. Pleader for the 1st and 2nd respondents and M/s. S. Shamed Yasmin Parvin, Government Advocate for the 3rd respondent, this Court made the following order:

'Mr.S.Viljoen Ajit, learned Counsel is appointed as Advocate Commissioner. The Advocate Commissioner is directed to ascertain whether there is a pathway to the old burial ground and whether the said pathway is existing for more than ten years. He is also directed to ascertain whether the villagers are objecting to the pathway to the old burial ground. The old burial ground is existing in Survey No.804. The Advocate Commissioner shall issue



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notice to the petitioner and the newly impleaded respondent and thereafter, ascertain the physical features. Rs.20,000/- is fixed as remuneration to the Advocate Commissioner and the same shall be paid by the petitioner. The Advocate Commissioner shall file a report on or before 25.06.2025. Accordingly, this writ Miscellaneous Petition is ordered.

2.Post the main case on 25.06.2025 for filing of report.

Sd/-

Assistant Registrar (CS II)

// True
Copy //

/06/2025

Sub Assistant Registrar
(I / II / III / IV)

To

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.



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

6. **MR.S. Viljoen Ajit, ADVOCATE**
Enrl.No.7447/2022
Chamber No.109,
Madurai Bench of Madras High Court,
Madurai.
Cell No.8098813121.

7. **The Special Government Pleader,**
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai



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ORDER DATED : 11/06/2025

HEARING DATE : 25/06/2025

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ORDER

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WMP(MD). No.12004 of 2025

IN

WP(MD)No.15026 of 2025

Giving direction and etc.
as stated within.

jj/17.06.2025 6P/9 C

Madurai Bench of Madras High Court is issuing certified copies in this format
from 17/07/2023