



W.P.(MD)No.17558 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.17558 of 2025

and

W.M.P(MD)No.13401 of 2025

Mrs.S.Jeyanthi

... Petitioner

-VS-

1. The District Collector,
District Collectorate,
Dindigul District.
2. The Tahsildar,
Vedasanthur Taluk Office,
Dindigul District.
3. The Divisional Engineer,
National Highways (NH45),
60, Sundarraj Nagar, Highways Colony,
Pudukottai Road,
Tiruchirappalli,
Tiruchirappalli District.
4. The Assistant Director,
Village Panchayat,
District Rural Development Agency,
District Collectorate,
Dindigul District.
5. The Block Development Officer,
Panchayat Union office Vadamadurai,
Vedasanthur Taluk,
Dindigul District.

... Respondents



W.P.(MD)No.17558 of 2025

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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus forbearing the respondents 1, 2, 4 and 5 from putting up a construction of a new burial/crematorium ground on the southern side of the property in Survey No. 340, Kollapatti Village, Vedasanthur Taluk, Dindigul District by considering the representation submitted by me vide my letter dated 19.06.2025.

For Petitioner : Mr.T.Cibichakraborty

For R1, R2 & R4 : Mr.M.Senthil Ayyanar
Government Advocate

For R3 : Mr.P.Karthick
NHAI

For R5 : Mr.S.R.A.Ramachandran
Additional Government Pleader

Adv.Commissioner : M/s.A.Charumathi

ORDER

The writ petition is filed for a mandamus forbearing the respondents 1, 2, 4 and 5 from putting up a construction of a new burial/crematorium ground on the southern side of the property comprised in Survey No. 340 situated at Kollapatti Village, Vedasanthur Taluk, Dindigul District by considering the petitioner's representation dated 19.06.2025.



W.P.(MD)No.17558 of 2025

WEB COPY 2. The contention of the petitioner is that already there is an existing burial/crematorium ground on the northern side of S.No.340 at Kollapatti Village, Vedasanthur Taluk, Dindigul District. But now the respondents are trying to put up another burial/crematorium ground on the southern side of the same survey number i.e. S.No.340, which has been classified as 'Salai'. Moreover, there is a waterbody and also agricultural land. Therefore, the petitioner has objected for creating a new burial/crematorium ground on the southern side of S.No.340.

3. In order to ascertain the factual dispute, this Court appointed an Advocate Commissioner and directed her to file a report. The Advocate Commissioner filed a report, wherein in Paragraph 6, it is stated that within 20 meters, a pond is situated near the southern side of S.No.340 at Kollapatti Village, Vedasanthur Taluk, Dindigul District. But the Advocate Commissioner had stated that the said pond is neither used by the villagers nor by the animals and is not even utilized for agricultural activities even by the petitioner. This Court is of the considered opinion that the opinion of Advocate Commissioner may not be correct. Even if the said opinion of the Advocate Commissioner is accepted as factually correct, the said pond may



W.P.(MD)No.17558 of 2025

be put to use as pond to percolate water underneath the ground, thereby the ground water table is maintained. Further a waterbody is always a waterbody. It is irrelevant whether it is put to use or not. It cannot be deviated or it cannot be polluted. Therefore, if new burial ground is established, the same would be polluted.

4. Furthermore, as per Rule 7 of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999, any burial/crematorium ground cannot be established within 90 meters from the waterbody. As per the Advocate Commissioner's report, the alleged burial/crematorium is within 20 meters. Therefore, the same is against the provisions stated in the above rules. Therefore, the present new burial/crematorium ground cannot be established as per the above rules.

5. The respondents submitted that it is only for waiting purpose the construction was put up in the new location. It is seen that the old burial ground is more than 270 meters away, the waiting shed can be put up in the old burial ground itself. There is no necessity to put up the waiting shed in the new burial ground. Further after laying the national high way the two burial grounds on the north and south are divided. It would be dangerous to



W.P.(MD)No.17558 of 2025

allow the people to cross the national high way for waiting purpose. Hence

it is not advisable to put up waiting shed on the south side.

6. The next contention of the petitioner is that the old burial ground is notified. The present area is not notified in the gazette. As per the Full Bench Judgement of this Court reported in 2023 SCC OnLine Mad 4773, notified place alone can be used as burial/crematorium ground. But this contention was opposed by the respondents and submitted that the entire S.No.340 is notified, hence there is no question of renotifying the same again. Since the entire S.No.340 is notified, the contention of the petitioner is rejected.

7. However, this Court held that the new construction of burial/crematorium ground or waiting shed is polluting the waterbody, not safety, hence the respondents are restrained from putting up any waiting shed in the new burial ground. It is made clear that the waiting shed shall be put up in the old burial ground which is located in the north eastern side of S.No.340 at Kollapatti Village, Vedasanthur Taluk, Dindigul District.



W.P.(MD)No.17558 of 2025

8. With these observations and directions, the writ petition stands

allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.07.2025

NCC :yes/No

Index :yes/No

Internet:yes/No

rgm

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S.SRIMATHY, J.

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