



W.P.(MD) No.16932 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2025

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.16932 of 2023

and

W.M.P.(MD)Nos.14157 of 2023 & 384 of 2024

C.Amirthabai

... Petitioner

Vs.

1.The District Revenue Officer,
Kanyakumari District,
At Nagercoil.

2.The Sub-Collector,
Padmanabhapuram,
Kanyakumari District.

3.A.Stella Bail

4.S.Suresh

5.S.Heela

6.S.Rajesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent pertaining to its



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proceeding bearing Na.Ka.No.M4/11017/2016 dated 03.04.2017 and to quash the same and consequently direct the first and second respondent to exhume the body of one Singarajan, which was buried in the petitioner's property in Survey No.282/6 of Kulapuram Village, Kanyakumari District within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
For Respondents 1&2 : Mr.K.Balasubramani
Special Government Pleader
For Respondents 3 to 6 : Notice refused

ORDER

A challenge has been made to the order of the first respondent in proceedings bearing Na.Ka.No.M4/11017/2016 dated 03.04.2017 and for a consequential direction to the first and second respondents to exhume the body of one Singarajan, which was buried in the petitioner's property in Survey No.282/6 of Kulapuram Village, Kanyakumari District.

2.Learned Counsel for the petitioner would submit that the subject property absolutely belongs to the petitioner. Earlier, there was a dispute between the petitioner and one Singarajan, who is



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the petitioner's vendor and the same has attained finality and a decree of specific performance was executed by the court on 10.04.2012, through which the petitioner became the absolute owner of the subject property. While that being so, the said Singarajan, died on 29.09.2014 and his body came to be buried in the petitioner's land. The petitioner has approached the official respondents for removal of the body of the said Singarajan, which came to be rejected. Hence, the petitioner has preferred the present petition.

3. Learned Special Government Pleader appearing for the official respondents would submit that an issue was raised at the time of burial itself, but the authorities as well as the public stated that the subject land was long back used as a burial ground. However, a patta has now been issued in the name of the petitioner. Hence, under those circumstances, the official respondents have rejected the request of the petitioner.

4. Now, the prayer sought for in this Writ Petition is to exhume the body of the said Singarajan, which was buried in the petitioner's property in the year 2014. The petitioner acquired the property by virtue of a specific performance decree and in the execution petition, the said decree was executed on 10.04.2012 and



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patta has also been changed in the name of the petitioner. Further, the officials and the villagers state that the subject property was used as a burial ground for very long period. It is not known as to how patta came to be issued in favour of the petitioner for the land which was used as a burial ground. All these aspects involve disputed questions of facts and therefore, this Court is not inclined to entertain this Writ Petition. If at all the petitioner is aggrieved, he is at liberty to approach the civil Court and establish his right over the property.

5.Accordingly, this Writ Petition stands dismissed, with the aforesaid liberty. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.12.2025

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

MR



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To

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KRISHNAN RAMASAMY, J.

MR

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