



W.P.(MD)No.29769 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.29769 of 2024

Dr.T.R.Leelabai

... Petitioner

/Vs/

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 3.The District Revenue Officer,
Kanyakumari District,
Nagercoil.
- 4.The Revenue Divisional Officer/
Sub-Collector,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.
- 5.The Tahsildar,
Thiruvattar,
Thiruvattar Taluk,
Kanyakumari District.



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6.The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District.

7.The Panchayat President,
Yettacode Village Panchayat,
Yettacode, Veeyanoor Post,
Thiruvattar Taluk,
Kanyakumari District.

8.Shanthi

9.Kanagabai alias Kanagam

10.Justin Kumar

11.Gnanadas

12.Jabakumar alias Bennet

13.Yobu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 7 to exhume the dead body of the deceased Shalom Kumar @ Sakariya which is buried in the petitioner's property comprised in Survey No.390/1A4B, situated in Yettacode Village, Thiruvattar Taluk, Kanyakumari District and to bury the same in the property which belongs to the respondents 8 to 13 at Yettacode Village, Thiruvattar Taluk, Kanyakumari District by considering the petitioner's representation dated 14.10.2024 and 11.11.2024.



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For Petitioner : Mr.M.P.Senthil
For R1, R3 to R5: Mr.M.Senthil Ayyanar
Government Advocate
For R7 : Mr.R.Baskaran
Additional Government Pleader
For R2 & R6 : Mrs.M.Aasha
Government Advocate (Crl.side)
For R8 to R13 : Mr.K.P.Narayanakumar

ORDER

This writ petition has been filed for a direction directing the respondents 1 to 7 to exhume the dead body of the deceased Shalom Kumar @ Sakariya which was buried in the petitioner's property comprised in Survey No.390/1A4B, situated in Yettacode Village, Thiruvattar Taluk, Kanyakumari District and to bury the same in the property which belongs to the respondents 8 to 13 at Yettacode Village, Thiruvattar Taluk, Kanyakumari District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3. The case of the petitioner is that the petitioner owned the property comprised in S.No.390/1A4B to an extent of 1 acre 14 cents situated at Yettacode Village, Thiruvattar Taluk, Kanyakumari District. Her husband purchased the said property vide document Nos.81/1975, 3720/1975, 1418/1991, 531/1994, 1249/1994, 1250/1994, 23/1998, 218/2001. After his demise, the petitioner and other legal heirs derive title over the property. The petitioner is running the educational institution in the said property. While being so, without the petitioner and her family members knowledge, the respondents 8 to 13 had buried the body of deceased Shalom Kumar @ Sakariya in the subject property which is adjacent to the girls hostel. At the time of burying the body, the petitioner was out of station. Therefore, the petitioner submitted a representation to exhume the body of the husband of the 8th respondent and to bury the same in their property or in the burial ground.

4. The learned counsel appearing for the respondents 8 to 13 would submit that there is a property dispute between the petitioner and the 8th respondent.



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5. The learned Government Advocate appearing for the respondents 1,3 to 5 on instructions would submit that the petitioner as well as the 8th respondent are claiming title over the property comprised in S.No.390/1A4B to an extent of 1 acre 14 cents situated at Yettacode Village, Thiruvattar Taluk, Kanyakumari District, therefore, the petitioner ought to have prove her title before the Civil Court in the manner known to law.

6. In view of the above, the representation submitted by the petitioner cannot be considered and the writ petition is devoid of merits and it is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No costs.

20.01.2025

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
am



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G.K.ILANTHIRAIYAN, J.

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