



WEB COPY

WA No. 235 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

**WA No. 235 of 2026
and CMP Nos. 2085 & 2087 of 2026**

C.Madesh,
S/o.Chinnasami

..Appellant

Vs

1. The District Collector,
Krishnagiri District,
Office of the Collectorate,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District,
Office of the Collectorate,
Krishnagiri.
3. The Revenue Divisional Officer,
Krishnagiri District,
Office of the Collectorate,
Krishnagiri.
4. The Tahsildar,
Pochampalli Taluk,
Krishnagiri District.
5. The Block Development Officer,
Village Panchayat,



Bargur Panchayat Union,
Bargur, Krishnagiri District.

6. The Village Panchayat President,
Veppalampatti Village,
Pochampalli Taluk,
Krishnagiri District. – 635 206.

..Respondent(s)

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the Order passed by this Court made in W.P.No. 18566 of 2025 dated 17-10-2025 and allow this Writ Appeal and thus render justice

For Appellant : Mr. A.Tamilarasan

For Respondents : Mr.C.Gauthamaraj,
Government Advocate

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra-court appeal has been directed against the order dated 17.10.2025 made in W.P.No.18566 of 2025.

2. The present appellant was the writ petitioner, who claims to be one of the villager of Thoppadi Kuppam Colony, Santhur Post, Pochampalli Taluk, Krishnagiri District.

3. There are two hamlets viz., Veppalamapatti Adi Dravidar Kudi irupu and Thoppadi Kuppam Adi Dravidar Kudi irupu. These people requested the authorities concerned for the exclusive allotment of burial ground in any poromboke land.



4. Already in S.No.678 of the said Village classified as 'Thoppu poromboke' which land belongs to the Government and is being used as a burial ground, where atleast 10 bodies have already been buried, where only two tamarind trees and 2 or 3 coconut trees alone are standing. Apart from that, absolutely the land is not being used for any other purpose.

5. Therefore, in order to make allotment of burial ground to these hamlet people separately as both of them belong to two different hamlets, the authorities concerned of the District Administration as well as the Taluk and the Panchayat Union administration have come forward to sub-divide the land at S.No.678 into three parts, as S.Nos.678/1, 678/2 and 678/3.

6. The land comprised in S.No.678/1 has been allotted as burial ground for Veppalampatti Adi Dravidar Kudi irupu. Likewise, the sub-division S.No.678/2 has been allotted as burial ground for Thoppadi Kuppam Adi Dravidar and the remaining land i.e., S.No.678/3 has been classified as 'Pathai'.

7. The aforesaid move on the part of the District/Taluk authorities as well as Village Panchayat has been questioned by the writ petitioner on the ground that the writ petitioner is having agricultural land very adjacent to the land in question, which is now been allotted as a burial ground and within the objectionable limit of 90 meters, there is a human habitation and also there is a

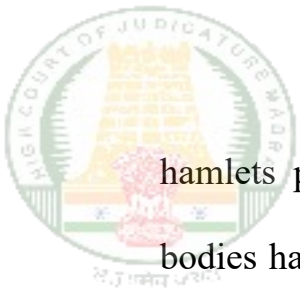


drinking water source for the entire village people in the nearby locality, which would get affected because of the proposed burial ground. These are all the reasons or the ground, under which, the move on the part of the authorities concerned to allot these two burial grounds as stated supra was opposed.

8. Therefore, he had made a request to the District Collector to stop allotting the land for burial grounds to these two hamlets, which was considered and turned out by the 1st respondent District Collector through his proceedings dated 25.01.2025. The said proceedings was under challenge in the said writ petition.

9. The learned Writ Court, having considered the said writ petition had in fact appointed an Advocate Commissioner, who after having verified the physical feature seems to have filed a report before the writ Court, where it has been stated that within 85 meters from the burial ground there is a habitation and the public Well is located at 80 meters and there is a 20 feet water canal, which is 84 meters away from the burial ground.

10. These reports have been taken into account as well as the VAO's report, which suggest that the only Well, which is located 80 meters away from the burial ground has already been closed and no water is supplied from said Well and the land in question, which has been now allot as a burial ground for 2



hamlets people had already been used as a burial ground, where atleast 10 bodies have already been buried, out of which, atleast 7 or 8 bodies were close relatives of the writ petitioner/appellant.

11. Except the writ petitioner/appellant, no villagers had opposed the move of the authorities to allot these two areas as the burial ground for the respective hamlet people and therefore, having considered all these aspects as there has been no contravention to Rule 7 of the Tamil Nadu Village Panchayats (Provisions of burial and burning grounds) Rules, 1999 [in short, ‘the said Rules of 1999’] in making allotment of these two lands as a burial ground for these two hamlet people, the learned Writ Court has rejected the writ plea by dismissing the said writ petition through the impugned order.

12. Heard Mr.A.Tamilarasan, learned counsel appearing for the appellant and Mr.C.Gauthamaraj, learned Government Advocate appearing for the respondents.

13. It was contended by the learned counsel appearing for the appellant that the allotment of the burial ground, which has been questioned in the writ petition is against Rule 7 of the said Rules of 1999 as human habitation are located as per the Advocate Commissioner’s report within 90 meters, which is an objectionable limit and also there is a water source for the entire village



people within 80 meters and the entire village or majority of the village people are opposing the move of the authorities to allot such burial ground, the said aspects since have not been considered in the proper perspective by the learned Writ Court while considering the writ petition and it has erroneously dismissed the writ petition hence, it requires interference at the hands of the Division Bench, he contended.

14. We have heard the learned Government Advocate appearing for the 4th respondent, who would submit that, the land now has been allotted as burial ground has already been used as a burial ground and since two hamlet people are separately requiring the burial ground, the survey number 678 has been trifurcated into three as stated supra, one has been allotted to Veppalampatti village people and another one has been allotted to Thoppai Kuppam village people and therefore, the demand that has been made by both the hamlet people now has been met by allotting a separate burial ground for both. Hence, he contended that the order passed by the Writ Court does not warrant any interference.

15. We have considered the rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.



16. The learned Judge has considered the Rule 7 of the said Rules of 1999 and also has taken note of the fact that the distance that has been mentioned in the Advocate Commissioner's report is not an offending one to allot this particular land as a burial ground. It is a further reason that the said land has already been used as a burial ground, where 10 bodies have already been buried, out of which, atleast 7 bodies belong to the close relatives of the petitioner /appellant and therefore, these objections can easily be brushed aside was the view taken by the learned Judge.

17. It has been contended by the learned counsel appearing for the appellant by relying upon a representation given by the Thoppadi Kuppam village people dated 19.09.2024, where also the village people has given a representation to state that the land in question is being used as a burial ground by them, therefore, it cannot be taken and given to any other people as a burial ground. Therefore, it has become clear that the land in question has already been used as a burial ground for several years. When that being the position, it cannot be considered as if that for the first time the land has been allotted as a burial ground.

18. As per the said Rules of 1999, every public burial ground or a private burial ground must have secured a license from the Village Panchayat Rules, 1999. Without a license no burial ground can be permitted to be acted upon and



therefore, the legal formalities to be followed is to get a license from the local panchayats. Herein the case in hand, the land i.e., S.No.678 is being used as a burial ground and therefore, the same has been bifurcated only now in order to allot burial ground separately for Veppalampatti Adi Dravidar people as well as the Thoppadi kuppam Adi Dravidar people as a separate burial ground, which they sought for. Therefore, in this regard absolutely there has been no objection from any side. With regard to prohibition within 90 meters, since there has been a human habitation as per the report of the Advocate Commissioner is concerned, we find that if the habitation is 85 meters away from the burial ground and the prohibited distance is 90 meters, there is a difference of only 5 meters. Therefore, we feel that while demarcating the border of the burial ground, either in S.No.678/1 or in S.No.678/2, the place to be earmarked must only be beyond the 90 meters, the border from the human habitation of the village or hamlet concerned and accordingly, the property can be demarcated by the Revenue people with the help of the village people as well as the hamlet people and accordingly, the allotment be confirmed by the authorities concerned.

19. Once such a demarcation is made from 90 meters, even the only objection that has been pointed out by the learned counsel for the petitioner/appellant could be over come by the authorities concerned and beyond which since there has been no valid objection raised by the learned counsel for the



petitioner/appellant and merely because he is having the agricultural land very adjacent to the said burial ground area that cannot be the reason to oppose the allotment of the burial ground, which is being used as a burial ground for several years, where relatives bodies of the petitioner also had been buried in the earlier occasion.

20. In view of the aforesaid facts and circumstances, we do not find any reason to interfere with the order passed by the Writ Court, as a result of which, the writ appeal is liable to be dismissed and accordingly, it is dismissed. However, the 90 meters mandatory distance between the human habitation and to the border of the burial ground allotted now, which is in question, since has to be maintained, the demarcation as indicated above be undertaken by the authorities before handing it over to the concerned village people.

With these observations and directions, this writ appeal is dismissed. No costs. Connected miscellaneous petitions are closed.

(R.S.K.,J.) (K.G.T.,J.)
29-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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