



W.P.No.12617 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2026

CORAM :

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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N.Periyasamy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by the District Collector,
Collectorate,
Salem District – 636 001.
- 2.The Revenue Divisional Officer,
Athur Revenue Divisional Office,
Salem District – 636102.
- 3.The Tahsildhar,
Petha Nayakkan Palayam Taluk,
Salem District – 636 102.
- 4.The Superintendent of Police,
Superintendent of Police Office,
Nethimedu,
Salem District.
- 5.The Inspector of Police,
Ethappoor Police Station,
Pethanayakkan Palayam Taluk,
Salem District.
- 6.The Panchayat President,
Town Panchayat,



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Ethappoor Village & Post,
Salem District.

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7.The Village Administrative Officer,
Village Administrative Office,
Ethappoor Village & Post,
Pethanayakkan Palayam Taluk,
Salem District.

8.Vijaya

9.Sakthi Kumar

... Respondents

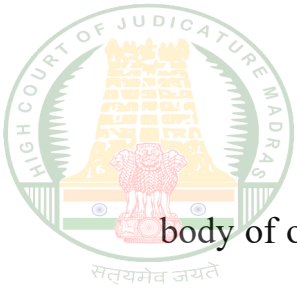
Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3, 6 and 7 to take stern action against the respondents 8 to 9 for burying the dead body of Gunasekaran on 12.02.2026 and order to exhume the body from the petitioner's possession of lands in S.Nos.39/1, 39/3, 37/1, 31/11 and relocate the same in the burial ground in designated existing burial ground by considering his representation dated 14.02.2026 to ensure protection to the petitioners right to property.

For Petitioner : Mr.D.Manimaran

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader [R1 to R3 & R7]
Mr.V.Meganathan
Government Advocate (Cr1.Side) [R4 & R5]
Notice dispensed with [R6, R8 & R9]

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 3, 6 and 7 to take action against the respondents 8 and 9 for burying the dead

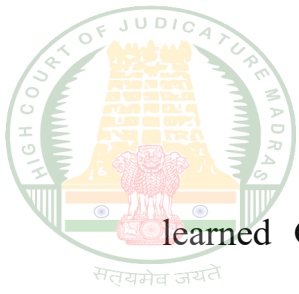


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body of one Mr.Gunasekaran on 12.02.2026 and direct the respondents 1 to 3, 6 and 7 to exhume the body from the property morefully disclosed in the prayer to this writ petition, based on the petitioner's representation, dated 14.02.2026.

2. The petitioner is said to have entered into an agreement of sale with the said Gunasekaran. According to the petitioner, even before the execution of the sale deed in favour of the petitioner by the said Gunasekaran, Gunasekaran died. According to the petitioner, he was illegally buried in the property morefully disclosed in the prayer to this writ petition, which was the subject matter of the agreement of sale entered into between the petitioner and the said Gunasekaran. According to the petitioner, the respondents 8 and 9 have illegally buried the said Gunasekaran in the property, which is the subject matter of the agreement of sale in violation of Rule 5 of the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999. In such circumstances, the petitioner seeks to exhume the body of Mr.Gunasekaran from the property as according to the petitioner, in case, the petitioner succeeds in the specific performance suit, his interest will be affected.

3. Mrs.C.Meera Arumugam, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 3 and 7 and Mr.V.Meganathan,



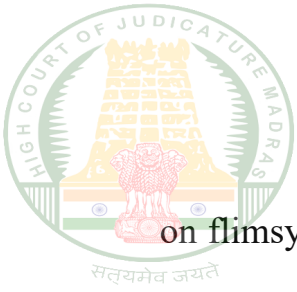
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learned Government Advocate (Crl.Side), accepts notice on behalf of the

respondents 4 and 5. Since no adverse order is passed against the respondents 6, 8 and 9 in this writ petition, notice to the respondents 6, 8 and 9 is dispensed with by this Court.

4. Admittedly, the suit filed by the petitioner seeking specific performance of the agreement of sale entered into with Gunasekaran, the dead person, is still pending before the civil court. Even before the petitioner has obtained a specific performance decree in his favour and even before he has become the owner of the subject property, this writ petition has been filed, which in the considered view of this Court is a frivolous writ petition and is an indirect way of circumventing the legal process of getting relief from the civil court in respect of specific relief sought by the petitioner for the enforcement of the agreement of sale entered into with Mr.Gunasekaran.

5. The petitioner in a clever manner has filed this writ petition either to harass the respondents 8 and 9 or to harass the present owners of the property to yield to the petitioner's request for execution of sale deed in his name for the subject property. Instead of enforcing his rights, if at all available, as per the agreement of sale before the civil court, the petitioner has filed this writ petition



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on flimsy grounds by making allegations against the respondents by stating that illegally, the dead person Gunasekaran was buried in the property, in which the petitioner had entered into an agreement of sale with Gunasekaran, the dead person. The petitioner does not have any vested right to seek directions from this Court through this writ petition for exhumation of the body of dead person, Gunasekaran with whom the petitioner claims that he had entered into an agreement of sale. Therefore, the question of directing the respondents 1 to 3, 6 and 7 to take action against the respondents 8 and 9 for burying the dead body of Gunasekaran on 12.02.2026 does not arise.

6. A mandamus can be issued only when there is a statutory right available to the petitioner. The petitioner having filed a specific performance suit against Gunasekaran, the dead person, which is still pending before the civil court, does not have any vested right to seek relief as prayed for in this writ petition.

7. This Court, after giving due consideration to the aforesaid factors is of the considered view that this writ petition is a frivolous and vexatious writ petition and it has to be dismissed.

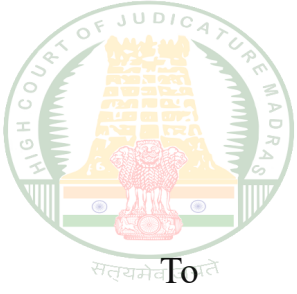


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WEB COPY 8. Accordingly, there is no merit in this writ petition and the same is dismissed. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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ABDUL QUDDHOSE, J.

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