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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.10478 of 2024 and Cont.P.No.3813 of 2026

WP No. 10478 of 2024

CNR:{HCMA010686722024}

S.Michael Pandian
No 375 O.V. Joseph Street Golden George Nagar
Chennai 600 107 Petitioner

Vs

1.THE DISTRICT COLLECTOR
CHENNAI DISTRICT SINGARAVELLAN MAALIGAI
RAJAJI SALAI CHENNAI 600 001

2.THE THASILDAR
AMBATTUR CHENNAI 600 003

3.THE EXECUTIVE ENGINEER
TAMIL NADU HOUSING BOARD J.J. NAGAR DIVISION
THIRUMANGALAM CHENNAI 600 101

4.THE COMMISSIONER
GREATER CHENANI CORPROATION RIPON BUILDING
CHENNAI 600 003

5.THE COMMISSIONER OF POLICE
GREATER CHENANI CORPROATION VEPERY CHENANI 600 007

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6.THE ZONAL OFFICER
ZONE VII, GREATER CHENNAI CORPROATION AMBATTUR
CHENNAI 600 053

7.THE ASSISTNT ENGINEER
DIVISION 93, ZONE VII GREATER CHENNAI CORPROATION
MUGAPPAIR, CHENANI 600 037

8.THE INSPECTOR OF POLICE
V-7 NOLAMBUR POLICE STATION NOLAMBUR CHENNAI 600 037

9.A.DEVANEEDHI
NO 1, ASIRVADHAM NAGAR MUGAPPAIR,
CHENNAI 600 037 : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ Mandamus directing the 4th respondent to pass orders for the burial and ceremonies of the dead Christians in Old Survey No 431 (part) Town Survey No.67 Mugappair Village, Ward H Block 58, Chennai 600 107 to an extent of 66 Ars, as claimed by the petitioner in his petition dated 21.06.2023 and directed by the first respondent in his letter Ref.Na.Ka. No.J13/14420/2023 dated 14.07.2023 in a time bound period.

For Petitioner Ms.U.Santhanalakshmi

For Respondents Mr.A.Arun Babu
Standing counsel for RR 4,6,7
Mr.C.A.Ramanan,
Govt Advocate, for RR1,2
Mr.N.Palanivel,
Govt Advocate (Crl side) for RR 5,8
Mr.S.Punniyakoti for R9
Mr.D.Veerasekaran,
Standing counsel for, R3

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CONT P No. 3813 of 2026

CNR:{HCMA012199972026}

S.Michael Pandian
No. 375, O.V. Joseph Street, Golden George Nagar,
Chennai 600 107. Petitioner

Vs

1. Mrs. Malathi Helan, IAS.,
The District Collector, Chennai District, Singaravellan Maaligai, Rajaji Salai, Chennai 600 001.

2.Mrs. Dolly,
The Thasildar, Ambattur, Chennai 600 003.

3.Mr. C.Prasad,
The Executive Engineer, Formerly at Tamil Nadu Housing Board, J.J. Nagar Division, Thirumangalam, Chennai 600 101. Presently at Tamil Nadu Housing Board, I Main Road, CIT Nagar (J.J.Nagar Division), Nandanam, Chennai 600 035.

4.Mr. G.S.Sameeran, I.A.S.,
The Commissioner, Greater Chennai Corporation, Ripon Building, Chennai 600 003.

5.Mr. A.Amalraj, I.P.S.,
The Commissioner of Police, Greater Chennai Corporation, Vepery, Chennai 600 007.

6.Mr. Thanigaivelan,
The Zonal Officer, Zone VII, Greater Chennai Corporation, Ambattur, Chennai 600 053.

7.Mr. Sekar,
The Assistant Engineer, Division 93, Zone VII, Greater Chennai Corporation, Mugappair, Chennai 600 037.

8.Mr. Ilangani,
The Inspector of Police, V-7, Nolambur Police Station, Nolambur, Chennai 600 037.

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9.A.Devaneedhi,
No. 1, Asirvadham Nagar, Mugappair, Chennai 600 037. Contemnors

Petition filed to punish the respondents for deliberate disobedience and violation of the order passed in W.P.No. 10478 of 2024 dated 11.02.2026

For Petitioner — Ms.U.Santhanalakshmi

For Contemnors — Mr.A.Arun Babu,
Standing counsel for RR 4,6,7
Mr.C.A.Ramanan,
Govt Advocate for RR1,2
Mr.N.Palanivel
Govt Advocate (Crl side)
for RR 5,8
Mr.S.Punniyakoti for R9
Mr.D.Veerasekaran,
Standing counsel forR3

COMMON ORDER

(Order of the Court was made by G.Arul Murugan, J.)

WP No.10478 of 2024 is filed seeking a Mandamus, directing the fourth respondent to pass appropriate orders for the burial and ceremonies of dead Christians at Old Survey No 431 (part) Town Survey No.67 Mugappair Village, Ward H Block 58, Chennai 600 107.

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

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3. The subject property which is around an extent of 66 ares is stated to be a burial ground, intended for the benefit of the Christian community. The burial ground is in use for the past 40 years. The ninth respondent in the writ petition, who was entrusted with the task of maintaining the burial ground, was alleged to have started collecting a sum of ₹40,000, initially, and thereafter, gradually increased it to ₹1 lakh, for allowing the burial of a dead body. Since the persons of the community were not able to have a free access, they have made repeated complaints and representations and thereafter, this writ petition has been filed, seeking the aforesaid direction.

4. In the writ petition, this Court has passed a series of orders. By order dated 26.11.2025, statement made by the learned State counsel to the effect, that as the revenue records in respect of the subject-land were earlier mutated in favour of the Housing Board, and the Housing Board does not want the land, the same would be reclaimed through appropriate correction/mutation in revenue records was recorded. The further submission of learned State Counsel that soon thereafter, the land would be transferred to the local body for taking appropriate action towards declaration of the land as burial ground was also recorded. Paragraph 2 of the said order is extracted

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hereunder:

> "2. *Today, when the matter comes up for hearing, learned State counsel would apprise the Court that, as the revenue records in respect of the subject-land were earlier mutuated in favour of the Housing Board and the Housing Board does not want that land, the same would be re-claimed through appropriate correction/mutation in the revenue records. Soon thereafter the land would be transferred to the local body for taking appropriate action towards declaration of the land as burial ground.*"

5. When the aforesaid process was ongoing, in the subsequent hearing, it was represented that the ninth respondent was continuing to create nuisance by collecting money. In such circumstances, this Court had directed the authorities to take strict action and ensure that the ninth respondent or any other person related to him shall not be allowed to collect any charges from those who are coming to the burial ground. The status report was directed to be filed by the jurisdictional police station. The order dated 11.02.2026 reads as under:

> *"Learned State counsel is granted two weeks' time to file status report.*
>
> *2. In the meanwhile, the Revenue, Police and Corporation authorities shall strictly ensure that the 9th respondent or any other person related to him or his agent should not be allowed to collect*

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any charges from those who are coming to the burial ground.

3. A status report shall also be obtained from the jurisdictional police station whether there are instances of respondent No.9 or members of his family or any other agent collect money from those who are coming to the burial ground."

6. Subsequently, based on the aforesaid directions, the police have registered a case as against the ninth respondent for offences under Sections 301, 329(3), 316(2), and 318(4) of BNS, 2023, in Crime No. 293 of 2025. The ninth respondent had approached this Court, seeking anticipatory bail, in Criminal OP No. 25768 of 2026, wherein the learned Single Judge by order dated 13.02.2026, by recording the affidavit filed by the ninth respondent stating that he has vacated the entire premises and handed over the possession, and he has no claim over the burial ground in future, had granted anticipatory bail with certain conditions. Paragraph 6 and 7 of the aforesaid order are extracted hereunder:

"6.Today, the learned Counsel for the petitioner has filed an undertaking affidavit of the petitioner, wherein it has been stated that on 16.09.2026, this Court directing the petitioner to vacate from the premises situated at Survey No.431, H-Block, No.67, Mogappair, Ambattur, Chennai. He has completely vacated the said property and handed over peaceful possession of the

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same. He has not caused any damage to the property while vacating and has acted in good faith. He has no claim over the burial ground in future.

7.Considering the affidavit of the petitioner, and the submissions made by the learned Counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner."

7. Today, when the writ petition is taken up for hearing, learned counsel for the petitioner submitted that as the burial ground is now under lock and key, the members of the community will not be in a position to have access to the burial ground to attend the ceremonies slated to be held on 02.11.2026.

8. Considering the fact that already action has been taken as against the ninth respondent and pursuant to the undertaking filed by him, possession has been taken over, and now the subject property is lying under lock and key, we are inclined to dispose of the writ petition with the following directions:

(i) Respondent No.7, Assistant Engineer, Division 93 Zone VII, shall forthwith, in the presence of the Inspector of Police, V-7, Nolambur Police Station, eight

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respondent herein, take possession of the subject-burial ground.

(ii) From this date, the authority and possession of the subject burial ground will vest with the Corporation of Chennai.

(iii) The authorities shall take due steps to comply with the undertaking given to this Court, recorded in order dated 26.11.2025, and make necessary correction and mutation in the revenue records, and take all steps for getting the subject property transferred in favour of the local body / Corporation of Chennai. This exercise shall be completed within six months from today.

(iv) Except the Corporation of Chennai, no other private person or any third parties will have any right over the subject property, and no one will be entitled to collect any charge from any members of the community, who are intending to use the aforesaid place.

(v) The Chennai Corporation would be at liberty, to take necessary action as against any person who

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interferes with the possession of the burial ground or tries to collect any money from the members of the community.

9. With the aforesaid directions, the writ petition stands disposed of. There will be no order as to costs. Consequently, WMP Nos.11475, 11477 of 2024 and 45912 of 2025 are closed.

10. In view of the order passed in the writ petition, the contempt petition stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ.) (G.ARUL MURUGAN, J.)
29.10.2026

Index : Yes/No
Neutral Citation : Yes/No
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