



WEB COPY

WP No. 13367 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 13367 of 2026

AND

WMP NO. 14645 OF 2026

1. R.Sasivarathan
S/o.T.K.Raju
Vishnu Theru
Mittaputhur
Azhagaputhur
Salem District 636016.
2. S.Kalaiselvan
S/o.Sundaram
Vishnu Theru
Mittaputhur
Azhagaputhur
Salem District 636016.

..Petitioner(s)

Vs

1. The Revenue Divisional Officer
Revenue Divisional Office
Main Road, Subramaniya Nagar
Sooramangalam
Salem District
Salem 636005.
2. The Tahsildar
Salem West Taluk
Tahsildars Office, Main Road
Subramaniya Nagar, Sooramangalam
Salem 636005.

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of writ of Mandamus directing the respondents to consider the representation of the petitioners dated 19.02.2026 in accordance with law



and remove the private burial ground in patta land bearing survey no. 116/16C (TSLR.No.8/20) Well area in the residential place situated at Vishnu Theru, Mittaputhu, Azhagapuram, Puthur, Salem District to secure render of justice and pass.

For Petitioner(s): Mr.K.Kalaikovan

For Respondent(s): Mr.R.Murthi, Government Advocate

Order

This writ petition has been filed by the petitioner to direct the respondents to consider the representation of the petitioners dated 19.02.2026 to remove the private burial ground in patta land, which is mentioned as well area.

2. The petitioners have purchased the plots in Vishnu Theru, Mittapurthur, Azghagaputhur, Salem District and they are residing in their plots along with their family members. On 06.02.2026, one Madhaiyan and others buried the body in the residential place near their house in S.F.No.116/16C, which is mentioned as Well area, in an illegal manner. Aggrieved by the same, the petitioner has submitted a representation to the respondents 1 and 2 dated 19.02.2026 to remove the private burial ground in a patta land. Since, the said representation was not considered, the petitioner is before this Court.

3. The learned counsel for the petitioners submitted that admittedly the subject property is a private patta land and the neighbour used the patta land as



burial ground and hence, it would suffice, if this Court issues direction to the respondents to consider the representation of the petitioner dated 19.02.2026.

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4. The learned counsel appearing for the respondents has no objection for such an order being passed by this Court.

5. Heard the learned counsel appearing for the petitioner and learned counsel appearing for the respondents.

6. Facts in the present case is not in dispute that the neighbour has buried body in the private patta land. The issue is no longer res integra in view of the Full Bench Judgment of the Madras High Court in ***Jagadeeshwari and Others. Vs. B.Baju Naidu and Others reported in 2023 (5) MLJ 721 (FB)***, wherein it was held that burial in non-designated land is in violation of Rule 7(1) and such bodies are liable to be exhumed.

7. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 19.02.2026 in terms of the Full Bench order of this Court in ***Jagadeeshwari case (cited supra)*** and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



8. This Writ Petition is disposed of with the above observation. No costs.

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

SK

To
1.The Revenue Divisional Officer
Revenue Divisional Office
Main Road, Subramaniya Nagar
Sooramangalam
Salem District
Salem 636005.

2.The Tahsildar
Salem West Taluk
Tahsildars Office, Main Road
Subramaniya Nagar, Sooramangalam
Salem 636005.



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M.DHANDAPANI J.
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