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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.04.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.4682 of 2026

Jebaraj

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli-627 009.
- 2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.
- 4.The Block Development Officer (Village Panchayat),
Kalakkadu-627 501,
Nanguneri Taluk,
Tirunelveli District.
- 5.The President,
Kallikulam Panchayat,
Nanguneri Taluk,
Tirunelveli District.



6.The Inspector of Police,
Kalakkadu Police Station,
Nanguneri Taluk,
Tirunelveli District.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 to 5 to notify any land for Mayanam in the Kallikulam Village thereby prohibiting the public from burying the dead bodies in Survey No.105 & 106 of Kallikulam Village Nanguneri Taluk, Tirunelveli District and to remove the Tombs (கல்லறை) from Survey Nos.105 and 106 of Kallikulam Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.V.Sasi Kumar
For Respondents : Mr.D.Sasikumar (R1 to R4)
Additional Government Pleader
Mr.K.Sanjay Gandhi (R6)
Government Advocate

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

This writ petition is filed seeking a direction to the official respondents to notify the subject land as Mayanam in the petitioner's village, thereby prohibit the public from burying the dead bodies in Survey Nos.105 & 106 of the petitioner's village.



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2.The grievance of the petitioner is that in the petitioner's village there are 100 of families and they are burying the dead bodies in Survey Nos.105 & 106 without any permission from the competent authority. Further, the villagers are burying the dead bodies near to the residential area. Hence, the petitioner submitted a representation before the respondents 1 to 6 herein to restrain the villagers from burying the dead bodies in the residential area and also to notify any land in the petitioner's village as mayanam for the usage of the villagers. Since the same was not considered, the petitioner has filed the present writ petition.

3.The learned Additional Government Pleader appearing on behalf of the respondents 1 to 4, on instructions, submitted that Survey No.107/3A1A measuring an extent of 0.23.0 ares has been notified as Mayanm. He has also produced a copy of the proceedings of the Tahsildar dated 02.04.2026 in this regard.

4.Heard the learned counsel appearing on either side and perused the materials placed on record.



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5.The issue involved in this case has already been dealt with by the Full Bench of this Court in the case of ***Jagadheeswari and others vs. B.Babu Nadi and others*** [2023 (4) CTC 481], in which it has been observed as below:

“34. Moreover, after Rules, 1999 came into force, any burial in the place other than the place already registered or licensed as burial ground, goes in contravention to Rule 7(1). Any body buried in contravention to the Rules 5 and 7, is to be exhumed and buried in the designated place. If such violation is brought to the notice within the reasonable time and despite notice to exhume the body for to be buried in the designated place not adhered by the person concerned, the body is to be exhumed by the authority and collect the costs from the person who is cause for that illegal burial. The exhumed body must be buried in the designated place, taking into consideration the public health. Person who defies the law and refuses to exhume the body, cannot take umbrage in the delay of enforcing the law and make the Court 'fait accompli'. Accordingly, the order of reference is answered in negative.”

6.Admittedly, in the case on hand, the residents of the petitioner's village are burying the dead bodies in the place, which was not designated for such purpose and are burying in their patta land in close proximity of the residential houses.



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7.Hence, the authorities are directed to ensure that no burial is taken place in the patta land or any other land other than the place designated for such purpose. In the event any such unauthorized burial is found, the same shall be exhumed at the cost of the person who carried out the burial and buried in the designated place in accordance with the directions issued by the Full Bench of this Court, as referred above.

8.With the above directions, this writ petition is disposed of.
There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
02.04.2026

Index :Yes/No
Internet :Yes
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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