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W.P.(MD)NO.10386 OF 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.10386 of 2026

Vairavaraja

... Petitioner

Vs.

1. The District Collector,
Madurai District.
2. The Tahsildar,
Madurai North Taluk,
Madurai.
3. The Executive Engineer,
Water Resource Department,
Periyar Vaigai Water Resource Division,
Madurai – 620 002.
4. The Block Development Officer,
Madurai West Panchayat,
New Natham Union Road,
Oomachikulam, Madurai -14.
5. The Secretary,
Boothakudi Village Panchayat,
Vagaikulam Post,
Madurai North Taluk,
Madurai.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by respondents 4 and 5 in S.No.113/2-0.23.50 ares of Boothakudi Village, Madurai North Taluk, Madurai and to ensure that no such burial ground is constructed in the water body.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R-1 to R-3.

Mr.S.Vinodh,
Government Advocate for R-4 & R-5.

* * *

ORDER

Heard both sides.

2. The only demand made by the writ petitioner is that no burial ground should be constructed in the petition mentioned survey number. It is not in dispute that the petition mentioned survey number has not been notified as a burial ground. It is also conceded that survey No.113/2 has been classified as “odai”.



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3. The respondents claim that only on the bund of the channel the burial ground is proposed to be built. The Hon'ble Full Bench of this Court in the decision reported in **(2023) 3 LW 697 (Jagadheeswari Vs. B. Babu Naidu)** held that in a non-notified area, neither a burial ground nor a cremation ground can be allowed to come up.

4. Respectfully applying the ratio laid down in the aforesaid decision, we restrain the respondents from putting up any burial ground in the petition mentioned survey number. The writ petition is allowed. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
16th April 2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

PMU



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To:

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5

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AND

B.PUGALENDHI, J.

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