



Cont.P.(MD)No.1262 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

Cont. P(MD)No.1262 of 2021
in
W.P.(MD)No.14758 of 2019
&
Sub Apl(MD)No.203 of 2023

J.Shereen Banu

... Petitioner / Petitioner

Vs.

Ponraj
The Commissioner / BDO,
Panchayat Union,
Manur and Taluk,
Tirunelveli District-627 201.

... Contemnor / Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent herein for his disobedience in implementation of the order made by this Court in W.P.(MD)No.14758 of 2019, dated 22.03.2021.



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For Petitioner :Mr.P.Yasmin Begum

For Respondent :Mr.S.Shaji Bino
Special Government Pleader

ORDER

(Order of the Court was made by the Hon'ble G.R.Swaminathan J.)

The petitioner herein filed W.P.(MD)No.14758 of 2019 for removing the encroachments made in the petition mentioned site. According to her, the petition mentioned site was earmarked for public purpose (OSR). The writ petition was disposed of by the Hon'ble Division Bench on 22.03.2021 in the following terms:-

“The question of encroachment and the consequential action lies in the hands of the third respondent. In such view of the matter, the said respondent is called upon to pass orders on the representation of the petitioner and take appropriate action against the encroachers, including the private respondents herein, if it is found that they are encroachers, after affording an opportunity to the parties concerned, including the petitioner and the private respondents herein. Such an exercise will have to be concluded within a period of eight weeks from the date of receipt of a copy of this order.

2. With the above directions, this writ petition stands disposed of.”

Contending that the direction given by the Hon'ble Division Bench has not been complied with, this contempt petition came to be filed.



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2. The grievance of the petitioner is that the area earmarked for public purpose (OSR) is being used as a burial ground by the local jamath.

3. The stand of the revenue is that the land in question continues to stand in the name of the individual pattadhars and that the same has not been surrendered to the local body.

4. It is beyond dispute that an extent of 2 acres and 41 cents comprised in S.No.749/1, 2, 3 & 4 in Suthammalli village was laid out sometime in the year 1984. Approval does not appear to have been obtained from DTCP. But then, the local body's approval appears to have been taken. Be that as it may, when a large extent of land is plotted out, layout whether approved or not ought to contain areas dedicated for public purpose. It is the duty of the local body to assume control of such earmarked public places. It is the duty of the revenue to issue notices to the concerned individuals and effect mutations in the revenue record also. No land owner would voluntarily surrender a valuable piece of land on his own.

5. Once a land has been laid out, portions earmarked as road, park and playground will have to be surrendered to the local body and if not



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surrendered, they have to be taken over. We would apply the concept of deemed surrender in such cases.

6. The learned Special Government Pleader would point out that the site in question has been used as burial ground for quite a few decades. Therefore, it is not possible to shift the buried bodies to a new place. However, it is admitted that the site in question has not been notified as a burial ground. The Hon'ble Division Bench of the Madras High Court in the decision reported in **2023-3-L.W.697 (Jagadheeswari Vs.B.Babu Naidu)** had held that bodies can be cremated or buried only in a notified place. The injunction would apply not only to the panchayat limits but also to urban areas.

7. Admittedly, the site in question has not been notified as a burial ground. Therefore, the authorities will not permit any more burial of bodies in the site in question. The Commissioner of Panchayat Union, Manur is directed to plant trees in the site in question and thus, promote the environment. The site in question will be taken over by the local body and no private individual or body can have control over the same. It goes without saying that before doing so, the local body will put the concerned individuals on notice.



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8. The contempt petition is disposed of accordingly. Consequently,

the sub application is closed.

[G.R.S., J.] [R.K.M., J.]
11.02.2026

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

The Commissioner / BDO,
Panchayat Union,
Manur and Taluk,
Tirunelveli District-627 201.

G.R.SWAMINATHAN, J



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