



W.P(MD)No.16749 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE P.B. BALAJI**

**W.P(MD)No.16749 of 2026
and
W.M.P(MD)No.12419 of 2026**

Johnson

... Petitioner

vs.

1. The District Collector,
Ramanathapuram District.

2. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

3. The Block Development Officer,
Thiruvadanai,
Ramanathapuram District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from forming burial and burning ground in S.No.66, 68/10, 69/2A at Puthuvayal Village, without following due procedure under Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999 by considering representation dated 02.06.2026.

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For Petitioner : Mr.P.Chellappandian

For Respondents : Mr.C.Jeganathan
Counsel for State

ORDER

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

This writ petition has been filed seeking a writ of mandamus forbearing the respondents from establishing a burial and burning ground in Survey Nos. 66, 68/10, and 69/2A of Puthuvayal Village without following the procedure prescribed under the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999.

2. The grievance of the petitioner is that the residents of Ariyapuvayal Village used to bury dead bodies near the Kanmai bund. Over time, the burial of bodies allegedly caused an intolerable odour in the surrounding area. Consequently, the villagers, on their own initiative, established a burial ground within their village and have been using it for more than 15 years.

3.Subsequently, the Government decided to establish a burial ground in the village. According to the petitioner, the site selected for the proposed burial



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ground is being used as a pathway by the villagers, including school-going children. It is further stated that the second respondent issued a notice dated 05.06.2026 under Section 7 of the Tamil Nadu Land Encroachment Act to five persons, treating them as encroachers and calling upon them to show cause as to why action under Section 6 of the Act should not be initiated against them.

4. The petitioner, on behalf of the villagers, submitted a representation dated 02.06.2026 to the respondents. Since no action was taken on the said representation, the present Public Interest Litigation has been filed.

5. Upon perusal of the records, we are of the view that the petitioner seeks to restrain the authorities from exercising their statutory powers. This Court cannot issue directions preventing the authorities from acting in accordance with law. It is for the competent authorities to consider all relevant factors, including whether the proposed burial ground falls within a water channel. Before passing any final order, the authorities shall verify whether the proposed burial ground is situated within a water channel.



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[N.S.K.,J.] [P.B.B.,J.]
18.06.2026

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

To

1. The District Collector,
Ramanathapuram District.
2. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
3. The Block Development Officer,
Thiruvadanai,
Ramanathapuram District



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N.SATHISH KUMAR, J.
and
P.B.BALAJI, J.

am

ORDER MADE IN
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DATED : 18.06.2026