

W.P.Nos.36402, 37501 & 44377 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.11.2025

PRONOUNCED ON : 11.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

W.P.Nos.36402, 37501 & 44377 of 2025

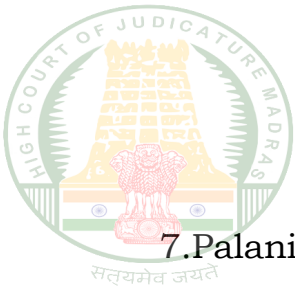
In W.P.No.36402 of 2025

K.S.Balakrishnan

... Petitioner

Vs.

- 1.The District Collector,
District Collectorate,
Erode District – 638 011.
- 2.The District Revenue Officer,
District Collectorate,
Erode District – 638 011.
- 3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Erode District – 638 011.
- 4.The Tahsildar,
Taluk Office,
Perundurai Taluk,
Erode District – 638 052.
- 5.The Executive Officer,
Karumandisellipalayam Town Panchayat,
Perundurai Taluk, Erode District – 638 052.
- 6.The President,
Karumandisellipalayam Town Panchayat,
Perundurai Taluk,
Erode District – 638 052.



7.Palanisamy

8.Thangavel

9.Sagunthala

10.Senthilkumar

11.Kalavathi

12.Rajendran

13.Bhuvaneswari

14.Gajendirakumar

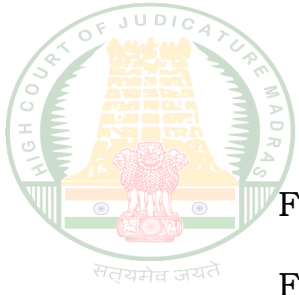
15.Venkatachalam

16.Periyasamy

(R7 to R16 impleaded vide order dated 18.11.2025 made in WMP.No.43764 of 2025 in WP.No.36402 of 2025 by VLNJ)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus forbearing the respondents from reclassifying the lands situated in R.S.No.621/3, Karumandisellipalayam Village, Perundurai Taluk, Erode District from 'Cart Track Poramboke' to Burial Ground' and further direct the respondents to take immediate measures to prevent any illegal burying/cremating of dead bodies on the land situated in R.S.No.621/3, Karumandisellipalayam Village, Perundurai Taluk, Erode District by considering the petitioner's representation dated 01.09.2025.



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For Petitioner

: Ms.Jhansi Greeta for
Mr.M.Sidhardhan

For Respondents
1 to 6

: Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For Respondents
7 to 16

: Mr.Arun Anbumani

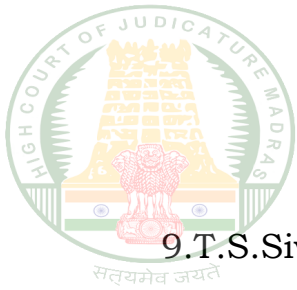
In W.P.No.37501 of 2025

Dr.T.S.Chellakumarasamy

... Petitioner

Vs.

- 1.The District Collector,
Erode District, Erode – 638001.
- 2.The District Revenue Officer,
Erode District, Erode.
- 3.The Revenue Divisional Officer,
Erode – 638001, Erode District.
- 4.The Tahsildar,
Perundurai Taluk, Erode District.
- 5.The Sub Registrar,
Perundurai, Erode District.
- 6.The Executive Officer,
Thiruvengadampalayam Village,
Karumandisellipalayam Panchayat,
Perundurai Taluk, Erode District.
- 7.The Town Panchayat President,
Karumandisellipalayam Panchayat,
Perundurai Taluk,
Erode District.
- 8.The Village Administrative Officer,
Thiruvengadampalayam Village,
Karumandisellipalayam Panchayat,
Perundurai Taluk, Erode District.



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9.T.S.Sivakumar @ Prakash

10. Sri Venkatachalapathy Earth Movers,
Tholliar Lorry Booking Office,
37 Bhavani Main Road,
Perundurai – 638 052.

11. SMR Earth Movers,
No.114/3, By Pass Corner,
Kanikoil Road, Perundurai – 638 052.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus directing the sixth respondent to ear mark the land in S.No.621/3 to an extent of 23.50 ares and the west half of S.No.628/8 to an extent of 18 ares in Thiruvengadampalayam Village, Karumandisellipalayam Panchayat, Perundurai Taluk, Erode District as designated land i.e., burial/burning ground and consequentially direct the 6th respondent to take necessary actions against the respondents 9 to 11 for uprooting the trees and bulldozing the same in lieu of the representation dated 20.09.2025.

For Petitioner : Mr.M.Guruprasad

For Respondents
1 to 5 & 8 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For Respondents
6 & 7 : Mr.T.Chezhian

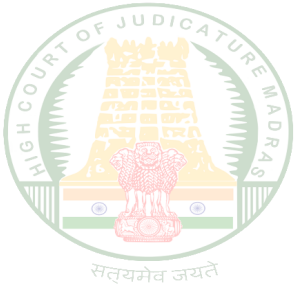
For Respondent 9 : Mr.Abrar Mohammed Abdullah for
Mr.K.Kathiresan

In W.P.No.44377 of 2025

R.Kodeeswaran

... Petitioner

Vs.



1. The District Collector,
Collectorate, Erode,
Pin – 638 001.

2. The Revenue Divisional Officer,
Erode, Pin – 638 001.

3. The Tahsildar,
Perundurai Taluk,
Perundurai, Erode District,
Pin – 638 052.

4. The Executive Officer,
Thiruvengadam Palayam Village,
Karumandiselli Palayam Panchayat,
Perundurai Taluk,
Erode District.

5. The Town Panchayat President,
Karumandisellipalayam Town Panchayat,
Perundurai Taluk,
Erode District.

6. Dr. T. S. Chellakumaraswamy

7. T. K. Selvaraj

8. T. K. Sivakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus direction in the nature of the above writ against the respondents 1 to 5 to strictly enforce the Tamil Nadu Village Panchayats (Provisions of burial and burning ground) Rules, 1999 in Thiruvengadam Palayam Taluk, Karumandichelli Palayam Town Panchayat, Perundurai Taluk, Erode District and ensure burial of any corpse or carcass only at notified burial ground, avert burial or cremation of any corpse or carcass in



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the car track comprised in R.S.No.621/3 and 628/8 in the above village and consequently direct the 7th and 8th respondents to exhumate the body buried on 21.10.2025 of their brother T.K.Ravichandran in front of the petitioner's land comprised in S.No.629/1 and 629/2 in the above said village and reinter the mortal remains at a notified burial ground at their costs.

For Petitioner : Mr.C.S.K.Sathish

For Respondents
1 to 5 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For Respondent 6 : Mr.M.Guruprasad

COMMON ORDER

Since the issues involved in all the three writ petitions are one and the same, the writ petitions were clubbed together and taken up for disposal.

Facts leading to W.P.No.36402 of 2025

2. The petitioner approached this court stating that he is the owner of the property situated in R.S.No.628/1 and R.S.No.628/4 of Karumandiselli Palayam Village, Perundurai Taluk, Erode District. In order to reach his property, he uses a cart track situated in RS.No.621/3 and RS.No.628/8 of the same village. He pleaded that this cart track has been in existence for decades and serves as a

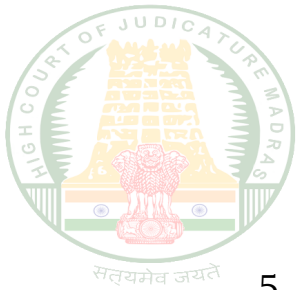


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primary route connecting Kanchi Koil Road to Bhavani Main Road via Pandian Road.

3. The petitioner alleged that a few individuals of Karumandiselli Palayam Village encroached upon the cart track and started misusing the same by dumping garbage and conducting cremation. These activities resulted in polluting the environment and obstructing public access.

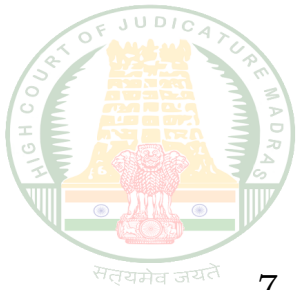
4. The cause of action for this writ petition is that it has come to his knowledge that the individuals, who were indulging in the aforesaid acts, are making attempts to reclassify the cart track as a burial ground. He points out that 1.5 km away from the cart track, a well maintained and hygienically operated modern incinerator and burial ground facilities have been established. He urges that despite the existence of this designated facility, certain individuals are utilising the cart track for their nefarious purposes. He added that in the vicinity of the cart track, there are about 500 residential houses. He urges that if the cart track is reclassified as burial ground, he will not have any access to his property. This is because, once reclassified, barbed wire will be erected across the cart track, thus preventing access not only for the petitioner but also for the others.



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5. Alarmed at the attempt of reclassification, the petitioner gave a representation on 01.09.2025 calling upon the authorities to take appropriate action. Despite the representation having been received, no action was forthcoming. Hence, he approached this court seeking a writ of mandamus to forebear the respondents from reclassifying RS No.621/3 and RS.No.628/8 of Karumandiselli Palayam Village, Perundurai Taluk, Erode District from the present classification of Cart Track Poromboke to Burial Poromboke. He also sought a permission to take immediate steps to prevent any illegal burial/cremation in RS.No.621/3 and RS.No.628/8 of the said village.

6. Pending the writ petition, 10 individuals filed an application to implead themselves. According to them, there exists a graveyard in RS.No.621/3 and RS.No.628/8 from time immemorial. They pleaded that there is no other graveyard in Thiruvengadam Palayam Village and that, it has been used by persons belonging to several communities. They stated that several of their ancestors and their family members as well as others belonging to the village have been buried or cremated in the said graveyard and that, last rites and rituals are conducted in the very place. In addition, they pleaded yearly rituals are conducted at the respective burial sites.



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7. They pleaded that sometime in the second week of August 2025, certain persons, motivated by mischievous intention and claiming ownership of lands in the vicinity, had unlawfully and illegally trespassed into the graveyard and cleared the trees, tombstones, headstones, gravestones etc., placed therein. They did so using Bulldozer and other earth moving machineries.

8. On hearing about this development, they rushed to the graveyard and found several loads of excavated earth, alongwith the remains of several buried corpses. The bodies had been mutilated, removed from the graveyard, and transported by lorries to unknown places. Hence, they immediately approached this court and the revenue authorities seeking necessary action.

9. The impleading petitioners pleaded that the writ petition has been presented with oblique motives and making false and frivolous averments. They conceded that RS.No.621/3 and RS.No.628/8 are classified as cart tracks in the 'A' register, but pointed out that it has been used as a graveyard from time immemorial. They denied the averment that the petitioner's access to his property only through the graveyard. They deny that the petitioner is the sole owner of the



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property situated at RS.No.628/1 and 628/4, since 27 other persons have a right over the same.

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10. They alleged that the petitioner had suppressed the existence of a common pathway in RS.No.621/1C, which connects to the Kanchi Koil main road and that this provides an access to the petitioner's property. Apart from this access, they asserted that the petitioner has another pathway in RS.621/1A, which directly connects to the Kanchi Koil road and the road does not pass anywhere near the graveyard. They urged that the entire stretch of RS. 621/3 running from north to south had been fenced with barbed wires to its full length, at least, 30 years ago. The fences were erected from the common fund contributed by all the residents of Thiruvengadam Palayam Village with an object of preventing the adjacent land owners on either side of the graveyard from encroaching the same.

11. They further pleaded that two decades earlier, Karumandiselli Palayam Town Panchayat resolved to lay a road inside the graveyard so as to enable the villagers to reach the inner areas of the graveyard without any difficulty to bury or cremate the dead.



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12. Insofar as the plea of illegal dumping on the cart track is concerned, they pleaded that the residents of an area called '*Thai Nagar*' had been dumping garbage in the graveyard, hurting the feelings of those who have laid to rest, their near and dear, in the graveyard. It is stated that merely because the land has been incorrectly classified as a cart track in the 'A' register, the true nature and character of the lands cannot change. While conceding the right of the Town Panchayat to clear the garbage laid in the area, they urged that such authority does not extend to the removal of the trees, graves and headstones situated therein.

13. With respect to the allegation that there exists an alternate area for burial and incineration, they pleaded that it is a privately owned and maintained facility which caters only to the needs of affluent persons. According to them, the writ petition has been instituted only for the purpose of enabling certain land owners, near the subject graveyard, to develop their lands into a layout for residential plots and that, it was these persons who had obliterated the graveyard and are attempting to form a road over the same.

14. Considering the nature of the pleas raised in the impleading application and that, if the relief sought in the writ petition were to be



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granted, it would adversely affect the interests of the impleading petitioners, they were impleaded as party respondents to the writ petition.

15. This court issued notice to the State respondent and called upon Mrs.C.Meera Arumugham to get instructions from the respondents 1 to 4 and Mr.L.S.M.Hasan Fizal from the respondents 5 and 6.

16. While this writ petition was pending, another writ petition came to be filed in W.P.No.37501 of 2025.

17. The petitioner in the second writ petition is a medical doctor. He states that he is the owner of the land situated in S.F.No.500/11 in Thiruvengadam Palayam Village. He states that S.No.621/3 to an extent of 23.50 ares and the western half of S.No.628/8 to an extent of 18 ares in the aforesaid village is being used as a burial and burning area. He states that there is no other graveyard in the said village, apart from the one in these two survey numbers. Though revenue records state that it is a cart track, he states it has been used as a burial ground from time immemorial. Noticing the error in the revenue classification, he states that several persons had approached the



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revenue department to make the necessary corrections in the record, but unfortunately no action had been taken.

18. The petitioner alleged that his sibling, the ninth respondent to the writ petition, who is a land broker by profession, on 11.08.2025, with the help of 10th and 11th respondents uprooted trees and removed the headstones and other remnants of burials including the bodies of those, who have been interred therein and levelled the area. Prior to such activities, he alleged that the ninth respondent did not take any permission from the respondents 6 to 8. Being alarmed at the illegal act of the ninth respondent, he stated that the residents of the Thiruvengadam Palayam Village formed a committee to protect their graveyard and gave a representation to the District Collector calling upon him to reclassify the land, as per their usage, as a burial ground in the revenue records. He referred to certain proceedings pending between himself and the ninth respondent. However, there is no necessity for this Court to go into those aspects as they are irrelevant for the purpose of the present case.

19. The reason for which he had approached this court was on account of the fact that the respondents 9 to 11 had removed the skeletal remains of the ancestors of the petitioner's family. He too,



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voices the plea of the impleading petitioners in W.P.No.36402 of 2025 that the adjacent property owners have a separate pathway and also have the direct access to the main road and hence, they are not dependent on the access through SF.No.621/3 and SF.No.628/8 to reach their lands. As allegations of destruction of the burial ground had been made, this court entertained the writ petition, issued notice to the respondents. Considering that both the writ petitions relate to the same land in question, the parties were directed to maintain status quo.

20. Mr.C.Kathiresan entered appearance for the ninth respondent.

21. This Court called upon the District Collector to conduct an enquiry and submit a report.

22. The District Collector, Erode District appointed the Special Tahsildar, HR & CE on 07.11.2025 to inspect and submit a report to him with respect to S.F.No.621/3 and S.F.No.628/8. The Special Tahsildar inspected the area on 10.11.2025 and submitted a report to him on 13.11.2025. The report of the Tahsildar, which has been approved by the District Collector, states the following:



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(i) S.F.No.621/3 and S.F.No.628/8 of Thiruvengadampalayam

Hamlet, Karumandisellipalayam 'B' Village, Perundurai Taluk, Erode

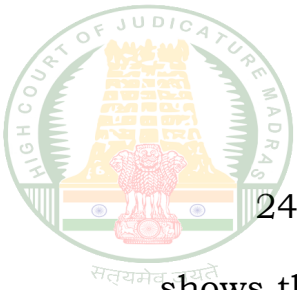
District are classified as cart track poromboke in revenue records;

(ii) Both the survey numbers have been utilised as a burial ground for over 70 years by the people living in the said village;

(iii) Both the survey numbers have not yet been notified as a burial ground;

(iv) The graves situated in S.F.No.621/3 and S.F.No.628/8 have been disturbed, by levelling, using machinery.

23. The report also states that the total extent of S.F.No.621/3 is 58 cents of which 40.5 cents have been utilised as burial ground, 6.5 cents have been kept vacant and over the remaining 11 cents, a tar road has been laid. The length of the tar road over this survey number is 148 meters and the width being 3 meters. On both sides of the tar road, the land is being used as burial ground. The burial ground has been levelled in S.F.No.621/2A using machinery but the levelling did not damage "MALA" temple situated therein. With respect to the graves in S.F.No.621/3, a portion had been levelled but some burial sites are still existing in the field.



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24. With respect to S.F.No.628/8, the report of the Collector shows that the total extent is 91.5 cents of which 4.5 cents have been used as burial ground, 2 cents have been kept vacant and over 2 cents, a tar road has been laid. The remaining 83 cents is maintained as a cart track. The extent of the tar road over this survey number is 27 meters in length and 3 meters width.

25. The report points out that the members belonging to Arunthathiyar Community (Scheduled Caste) are utilising 1.5 cents of the land in S.F.No.621/3 and 4.5 cents of land in S.F.No.628/8 for burial. It is the members of this community who are using the “MALA Temple” located in S.F.No.621/3. The remaining extent of 4.5 cents in S.F.No.628/8 is being used as a burial ground by persons belonging to other castes.

26. Pointing out to the purpose of “MALA Temple”, the Collector has stated that the persons belonging to the Arunthathiyar Community, bury their dead in and around the said temple. Mala temple is a place where the family members of the deceased lay stones under a tree as a monument to honour them. According to the customs of the said community, every year the relatives assemble at the site on the date on which their relative had passed away and



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worship the stones laid by them. Apart from this, the persons belonging to all the communities assembled during “ஆடி பெருக்கு” festival and perform rituals.

27. The report states that the ninth respondent in W.P.37501 of 2025 had uprooted the trees and levelled the fields. Hence, the Revenue Divisional Officer, Erode by his proceedings dated 29.09.2025 had imposed a penalty of Rs.28,200/- for the illicit cutting of trees in S.F.No.621/3 and S.F.No.628/8. The District Collector has also reported that as late as on 21.10.2025, a body of one Mr.T.K.Ravichandran, son of T.C.Kandasamy had been laid to rest in the said area. He has stated that there are no reports of exhumation of any bodies, but has reiterated the statement that the burial area has been levelled and damaged.

28. The Collector has also stated in his report that the Karumandiselli Palayam (Special Grade) Town Panchayat has passed a resolution on 14.10.2025 seeking measurement of S.F.No.621/3 and for classification of the said land as “மயானம்”. He also refers to a resolution passed on 26.06.2000 by the same Town Panchayat for formation of tar road in the said land which was being used as



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“மயானம்”. The Collector has stated that based on the resolution dated 14.10.2025, the Tahsildar, Perundurai has been called upon to measure the land. He adds if the concerned department gives a requisition, the lands so classified would be transferred. He has sought six months’ time for obtaining orders from the Government to proceed further with respect to the notification of the lands as a burial ground. As enclosures to this report, he has filed the report of the Special Tahsildar, Photos, Sketches, Village Records and both the resolutions passed on 26.06.2000 and 14.10.2025.

29. This report was served on all the parties.

30. The Executive officer cum sixth respondent of the Panchayat has filed a counter affidavit. In his counter, he has stated that R.S.No.621/3 and R.S.No.628/8 have been classified as “சர்கார் பொரம்போக்கு வண்டி பாதை”. However, no notification designating these lands as burial or burning ground as required under Section 131 of the Tamil Nadu Panchayat Act of 1994 and the Tamil Nadu Village Panchayats (Provision of burial and burning grounds) Rules of 1999 (hereinafter referred to as ‘Rules, 1999’) have been issued so far. He has stated that on enquiry, it has come to his knowledge that a



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portion of the aforesaid lands have been informally used as a burial ground by the residents of Thiruvengadam Palayam Village by the members of all communities including those belonging to Adidravidar Community.

31. The Executive Officer has further stated that he conducted a field inspection and such field inspection revealed old burials indicating long standing customary usage without an official notification. He states that the representations given by both the writ petitioners were enquired by the concerned jurisdictional Revenue Inspector and the Village Administrative Officer and it has been reported to him that the lands bearing R.S.No. 621/3 and R.S.No.628/8 are used as pathway access, garbage dumping as well as for burial. He has stated that on the basis of the report of the aforesaid officers, the Tahsildar, Perundurai, had initiated proceedings on 29.09.2025 against the ninth respondent. The Revenue Divisional Officer, Erode had levied a penalty of Rs.28,200/- on the ninth respondent and that he had also paid the said amount and the same has been accounted for.

32. The Executive Officer has further urged that the Panchayat had passed a resolution on 26.06.2000 for laying tar road to provide



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access to the cremation area and that the garbage accumulated in the said land had been cleared. He has stated that Panchayat has passed a resolution on 14.10.2025 and the same has been forwarded to the Revenue Department for appropriate action. He has taken a stand that the Panchayat has no authority to declare or notify any land as a burial or burning ground and that appropriate proceedings will have to be undertaken by the competent revenue authorities as per law. He states that the Panchayat has taken all efforts to keep the area clean and free from garbage and that, the nearby gas crematorium at Perundurai is functioning effectively and is also been used by the residents. He has stated that the Panchayat will abide by any direction that might be given by the court.

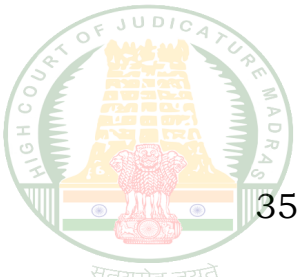
33. The ninth respondent has filed a counter stating that an extent of 23.50 ares in S.No.621/3 and the western half of S.No.628/8 to an extent of 18 ares is being used as burial and burning ground by the residents of the Thiruvengadam Palayam Village. Yet, he will deny the statement that there is no other graveyard in Thiruvengadam Palayam village. He states that he is not a real estate broker but a mill owner. The name of the mill being M/s.Sri Dhall Mills situated at Thiruvengadam Palayam Village, Perundurai Taluk, Erode District. He has stated that the sixth respondent had cleared the garbage that had



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accumulated in S.No.621/3 and S.No.628/8 and has denied that he has anything to do with the uprooting of the trees. He has stated that the penalty of Rs.28,200/- levied on him was one passed without giving him an opportunity and hence, he is proposing to challenge the same. He has stated that there is no structured graveyard in S.No.621/3 and S.No.628/8 and has sought dismissal of the writ petition.

34. The ninth respondent has also filed a memo objecting to the status report filed by the District Collector. He has reiterated his contention in the counter affidavit that the clearing of the burial ground was at the instance of the sixth respondent and that there is no structured graveyard in S.No.621/3 and S.No.628/8. He relied upon photographs to state that only garbage and debris had accumulated therein and there is no graveyard. He further stated that the resolutions passed by Panchayat on 26.06.2000 and 14.10.2025 are contrary to the Tamil Nadu Village Panchayats (Provision of burial and burning grounds) Rules of 1999 and that, the proposed action is contrary to the Full Bench Judgment of this Court in **Jagadheeswari and Others v. B.Babu Naidu and others in (2023) 4 MLJ 769**. Consequently, he seeks for accepting his objections.



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35. Pending these writ petitions, with respect to the very same survey number, another writ petition has come to be filed in W.P.No.44377 of 2025.

36. In this writ petition, the petitioner states that the land comprised in R.S.No.621/3 and R.S.No.628/8 are "சர்க்கார் பொரம்போக்கு - வண்டி பாதை" and are being used only in that capacity by all the villagers. He states that the cart track vests with the Village Panchayat. He claims that he is the owner of the property situated in R.S.No.629/1 and R.S.No.629/2. He states that he had purchased the property in the aforesaid survey number on 20.03.2025 and 11.10.2025 and that access to the land is only through the cart track situated in R.S.No.621/3 and R.S.No.628/8.

37. The petitioner states that the sixth respondent (the writ petitioner in W.P.No.37501 of 2025) is aggrieved by the purchase made by him and in order to wreck vengeance on his brother (9th respondent in W.P.No.37501 of 2025), who he has arrayed as the eighth respondent to this writ petition, had instigated the local villagers to illegally occupy the cart tract and use the same for illegal burial and cremation of dead bodies. He states that the claim that

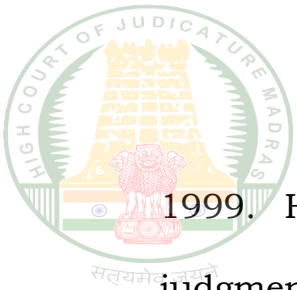


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R.S.No.621/3 and R.S.No.628/8 are being used as burial ground is a strange claim. He states that he gave a representation on 15.09.2025 to the State Authorities requesting them to prevent encroachment of the cart track and not to reclassify the same as burial ground.

38. The petitioner further alleges that it is the village panchayat which had cleared the garbage dumped therein and brought the cart track back to usage by villagers. Infuriated at this action, making false averments, W.P.No.37501 of 2025 came to be presented. Such a claim, he states, is unlawful and that despite the order of status quo, the respondents 7 and 8 buried the body of their brother one T.K.Ravichandran in the said area on 21.10.2025. He states that on account of this burial, his right to a healthy environment has been infringed, as foul smells emanate from the burial site and it poses a serious health hazard to the residents of the area.

39. The petitioner has also stated that 1.5 kms away from Thiruvengadam Palayam Village, there exists a modern electric crematorium which has been approved by the appropriate authorities and the said area can be utilised for burying the dead. He states that in case the aforesaid survey numbers are used as a burial ground, it will be in violation and punishable offence under Rule 7(7) of Rules of



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1999. He has also referred to several authorities including the judgment of the Full Bench aforesaid. He seeks that the body of T.K.Ravichandran, who has been interred in the aforesaid land has to be exhumed and reinterred elsewhere. He finally, seeks for a mandamus to strictly enforce the Rules 1999 and to ensure that the burial of any corpse or carcass should be only at the notified burial ground and not in the cart track situated in R.S.No.621/3 and R.S.No.628/8.

40. I heard Ms.Jhansi Greeta for Mr.M.Sreedharan in support of W.P.36402 of 2025, Mr.M.Guruprasad in support of the petitioner in W.P.No.37501 of 2025, Mr.C.S.K.Satish for the petitioner in W.P.No.44377 of 2025, Mr.Arun Anbumani for the private respondents in W.P.No.36402 of 2025 and Mr.L.S.M.Hasan Fizal, for the District Collector and the Executive Officer of the Town Panchayat. Mr.T.Chezhian for the local body and Mrs. C.Meera Arumugham, learned Additional Government Pleader for the State Authorities.

41. At the outset, I should point out that all the counsel throughout their arguments urged that S.No.621/3 and S628/8 of Thiruvengadam Palayam Village, Karumandiselli Palayam Town Panchayat, Perundurai Taluk, Erode District is covered by the



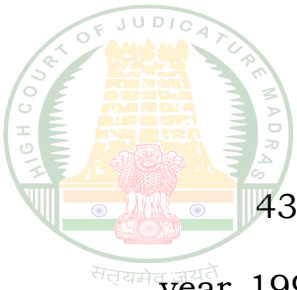
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Provisions of Tamil Nadu Panchayats Act & the Rules made thereunder. Unfortunately, I am not in a position to subscribe to the said view. This is due to the nature of classification of the local bodies under the Tamil Nadu Panchayats Act, the erstwhile District Municipalities Act and the Tamil Nadu Urban Local Bodies Act of 1998.

42. The local bodies in the State of Tamil Nadu are divided into four main categories. They are:

- (i) ஊராட்சி - Village Panchayat,
- (ii) பேரூராட்சி - Town Panchayat;
- (iii) நகராட்சி - Municipality; and
- (iv) மாநகராட்சி - Municipal Corporation.

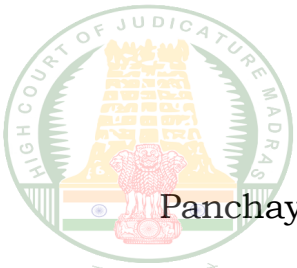
The Tamil Nadu Panchayats Act applies only to Village Panchayats constituted under Section 6 of the Tamil Nadu Panchayats Act of 1994. Town Panchayats and Special Grade Town Panchayats were governed by the Tamil Nadu District Municipalities Act of 1920. Earlier, Town Panchayats were governed under the Tamil Nadu Panchayats Act of 1958.



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43. Following the 74th amendment to the Constitution, in the year 1992, Town Panchayats were re-classified as Nagar Panchayats granting them constitutional status in the third tier of urban governance. By virtue of this amendment, Town Panchayats were mandated for areas in transition from rural to urban. The State Governments were called upon to establish these bodies rather than leaving them as mere administrative units. As per the XII Schedule to the Constitution, Town Panchayats are empowered to perform as many as 18 functions including those relating to burials and burial grounds; cremations and cremation grounds; and electric crematorium (Article 243W read with Item 14 of XII Schedule).

44. Taking note of the amendment, the State of Tamil Nadu as a pioneer, amongst the federal units, created Town Panchayats as transitional bodies. Amendments were brought to the District Municipalities Act of 1920 incorporating these bodies into the said Act. They were brought under the control of the Department of Municipal Administration and Water Supply. For the brief period between 2004 and 2006, Town Panchayats were classified as “Special Village Panchayat” and they were brought under the Tamil Nadu Panchayats Act of 1994. Yet again in July 1996, the terminology “Special Village



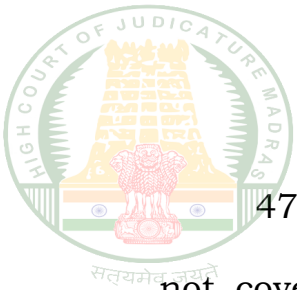
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Panchayats” was done away with and they were brought into the District Municipalities Act.

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45. A special Chapter was incorporated in the District Municipalities Act, namely, Chapter – I-B. This chapter had 15 sections running from 3-O to 3-CC. Town Panchayats were again classified into Special Grade, Selection Grade, Grade-1 and Grade-2 based on their average annual income. Regardless of their grade, all Town Panchayats fell within the fold of Chapter I-B. Town Panchayats were classified as “Special Grade”, if its annual income exceeds Rs.200 lakhs.

46. Just by way of statistics, in the State of Tamil Nadu, there are 62 Special Grade Town Panchayats, of which Karumandiselli Palayam (Special Grade) Town Panchayat is one such. Hence, all the labour spent by all the learned counsel in this matter referring to several provisions of Panchayats Act of 1994 was in vain. They were all barking up a wrong tree. When they should have placed their submissions on the basis of the District Municipalities Act or Tamil Nadu Urban Local Bodies Act of 1998, they were concentrating on the Tamil Nadu Panchayats Act, 1994.



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47. The fact that the Karumandiselli Palayam Town Panchayat is not covered by the Panchayats Act does not make a difference as regards the requirement for a notified place being used for the said purpose.

48. Under Section 278 of the District Municipalities Act, it was the duty of every owner or person having control of any place used for burying, burning or otherwise used for disposing the dead, to apply to the council to have such place registered, if it had already not been registered. In case, there were no owners or persons having control over such a place, the Act directed the council to assume control and register such place or with the sanction of the State Government to close it. By virtue of Section 279 of the District Municipalities Act, no **new** place for the purpose of disposal of the dead could be opened, formed, constructed or used, unless a license had been obtained from the concerned council on application. Under Section 280, it was the duty of the council to provide, at the cost of the municipal fund, places to be used as burial or burning grounds, crematoria, within or without the limits of the municipality, if no sufficient provision existed. Section 281 called upon the Municipal Authorities to maintain a register of places covered under Sections 278 to 280.

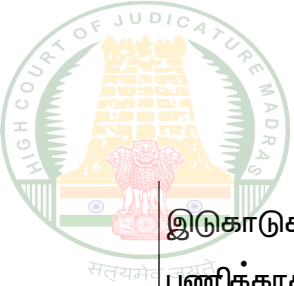


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49. In the case at hand, it has been urged by the petitioner in W.P.No.37501 of 2025 and the respondents 6 to 16 in W.P.No.36402 of 2025 that R.S.No.621/3 and R.S.No.628/8, though classified as "சர்கார் பொரம்போக்கு - வண்டி பாதை", have been used as burial ground from time immemorial. This aspect is denied by the petitioner in W.P.No.36402 of 2025 and the petitioner in W.P.No.44377 of 2025. This aspect can be easily resolved by referring to the records that are available to the court, prior to the undisputed period.

50. A reading of the affidavits filed by the parties indicate that the litigation seems to have been commenced post the sale of property by T.S.Sivakumar @ Prakash in favour of R.Kodeeswaran, in March 2025. At least 25 years earlier to this sale, proceedings are available before the court which show that this area has been used as burial ground. This is clear from the resolution passed by Karumandiselli Palayam Town Panchayat on 26.06.2000 in resolution No.101/2000. For ready understanding, the said resolution is extracted a hereunder:

பொருள் எண் 02	தீர்மான எண் 101/2000 நாள் .26.06.2000
2000-2001 ம் ஆண்டில் போர்நாட்சியில் உள்ள சுடுகாடுகள் மற்றும்	காஞ்சிக்கோவில் பாதையிலுள்ள திருவேங்கடம் பாளையம் சுடுகாட்டில் தார்



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இடுகாடுகள் பராமரிக்கும் பணிக்காக மாநில அரசு நிதி பகிர்வு தொகையின் சமன்பாட்டு நிதியில் இருந்து இப்பேரூராட்சியில் உள்ள சுகாடுகள் மற்றும் இடுகாடுகள் பராமரிக்கும் பணிக்காக அரசு ஆணை எண் (ப) 311 நகராட்சி நிர்வாகம் மற்றும் குடிநீர் வழங்கல் துறை நாள். 02.06.2000 ல் ரூபாய் 82,500/- அனுமதிக்கப்பட்டுள்ளது. ஆதலால் அரசு மான்யத்தில் இப்பேரூராட்சியில் உள்ள சுகாடு மற்றும் இடுகாடுகளில் பராமரிப்பு, பணி மேற்கொள்ளுதல் பற்றி முடிவு செய்தல்.

ரோடு அமைக்கத் தீர்மானிக்கப்பட்டது. அத்துடன் அரசு மானியம் போக கூடதல் செலவை பொது நிதியில் இருந்து செலவு செய்யத் தீர்மானிக்கப்பட்டது.

51. This resolution has been enclosed by the District Collector in his report. This is not a stand alone resolution but has been put into effect, as is evident from the cash book register enclosed in the report. The Road/Street ledger produced by the Executive Officer of Karumandiselli Palayam (Special Grade) Town Panchayat shows that post this resolution passed by the Town Panchayat, roads were laid connecting Kanchi Koil with Pandian Street. This road has been titled as "Cemetery Road". The road was taken over by the local body in July 2002.



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52. When this is read with the report filed by the District Collector, it becomes clear that the Town Panchayat had utilised the funds placed at its hands by the State of Tamil Nadu, for the purpose of improvement of burial grounds and crematoria, by laying a road to enable the persons to have proper access. Since the funds provided by the Government were insufficient, the general fund of the Town Panchayat was also utilised to complete the work.

53. Therefore, reading the resolution passed by the council of the Town Panchayat, along with the cash register, Road/Street ledger and the report of the District Collector, this court is able to come to a conclusion that there exists a burial ground/crematorium in R.S.No.621/3 and R.S.No.628/8 of Thiruvengadam Palayam Hamlet, Karumandiselli Palayam Town Panchayat at least from the year 2000.

54. In addition, the photographs enclosed by the District Collector point out that grave stones had been erected in the said area.

55. Turning to the present regime, the District Municipalities Act stood repealed after the enactment of Tamil Nadu Urban Local Bodies Act of 1998. Though this Act was enacted and brought into force in



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the year 2000, the same stood suspended by virtue of the Tamil Nadu Urban Local (Suspension of Operation) Act of 2000. Subsequently, Tamil Nadu Urban Local Bodies Act of 2022 was enacted and the 1998 Act stood revived, by virtue of this legislation. To give effect to this legislation, the Tamil Nadu Local Urban Rules of 2023 were framed and notified. They were brought into force with effect from 13.04.2023.

56. Section 172 of the Tamil Nadu Urban Local Bodies Act of 1998 calls upon every owner or person having control over a place used, as a burial or burning ground or crematorium on the date of commencement of the Act, to register the same with the Commissioner. Section 172(2) prohibits opening of any new place for disposal of the dead, whether public or private, without a licence from the Commissioner. Section 172(3) places an embargo against burial or burning of any corpse except in a place which had been registered, licensed or provided as under Section 172(1) or 172(2). The corresponding Rules which applies to burial, burning and crematoria are Rules 388 and 388A of Tamil Nadu Urban Local Bodies Rules, 2023 (hereinafter referred to as 'TNULBR, 2023').

57. It was contended by those, who want prohibition of burial and cremation in the aforesaid survey numbers, that there is an



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existence of a modern crematoria within 1.5 kms of the existing place and therefore, there is no necessity to continue this area as a burial ground. It was contended by Mr.Arun Anbumani and Mr.M.Guruprasad that this burial ground in Perundurai under the name and style of "அமைதி பூங்கா" - peace park is a private burial ground and therefore, it is not convenient to the members of the Thiruvengada Palayam Village.

58. It is not for this court to decide as to where body must be buried or cremated. If a modern crematoria is available in the Town Panchayat, then it is for the council to issue a notification banning cremation within such municipal limits. This is clear from section 172 (3) of the 1998 Act. Unless and until such a notification is issued, the plea of Ms.Greeta and those who support her cannot be entertained. It is the subjective satisfaction of the council whether it wants to ban cremation in areas other than the modern cremation area. Such a notification has not been passed by the council so far. Hence, this argument deserves to be rejected. Hence it is accordingly rejected.

59. Under Rule 388 (2) of TNULBR, 2023, only an owner or a person having control over a place being used for disposal of the dead is called upon to apply the commissioner for registration, if not already

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registered. There is no provision corresponding to Section 278(2) of the Tamil Nadu District Municipalities Act in the Tamil Nadu Urban Local Bodies Act of 1998. When the aforesaid survey numbers have been used as a burial ground and as seen from the report of the District Collector for a period of more than 70 years, it falls on the Town Panchayat concerned to ensure that the area is maintained as such.

60. The report of the Collector shows that the Town Panchayat has passed a resolution on 14.10.2025 for measuring and reclassification of the land in question as "மயானம்". The District Collector, acting upon this resolution, has also called upon the concerned Tahsildar and Revenue Divisional Officer to submit a report. When such activity is under process, it would not be appropriate to entertain the plea made by the writ petitioners in W.P.No.36402 of 2025 and W.P.No.44377 of 2025. As of now, the members of all communities are utilising a portion of the land in R.S.No.621/3 and R.S.No.628/8 for the purpose of burial and cremation.

61. I should point out here that it is the duty of the Town Panchayat to undertake the burial or cremation of any unclaimed body at its own expenses, in terms of second proviso to Section 172(4).



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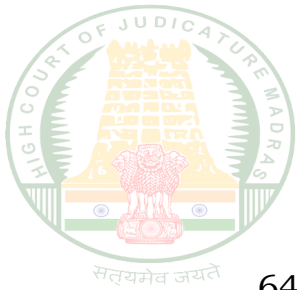
It is also the constitutional duty of a Town Panchayat as mandated under Article 243W read with XII Schedule to provide for such areas.

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Section 172(4) of the Tamil Nadu Urban Local Bodies Act mandates the council to provide and maintain places to be used as burial grounds, burning grounds or crematoria within or outside the municipal limits. This admittedly being within the limits of Karumandiselli Palayam (Special Grade) Town Panchayat, first proviso to Section 172(4) does not operate.

62. The report submitted by the District Collector is extremely disturbing. Existing graves have been disturbed. On account of the rivalry between siblings, the dead have not been left at peace. The great religions that bore-sway in this country always respected the dignity of the dead. The practices of Hinduism governed by Dharmasastras established specific rules for shmashana area. The sharia also has specific rules dealing with burial grounds. Both these religious systems emphasised the dignity of the dead.

63. The aforesaid principles have got recognition through the judgments of the Supreme Court and this Court. Not only are the living entitled to live with dignity, but the dead too are entitled for a dignified burial.



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64. In ***Pt.Parmanand Katara v. Union of India and Another, (1995) 3 SCC 248***, the Supreme Court declared that Article 21 is not only available to the living but also to the dead. This view was applied by this court in ***S.Sethuraja v. Chief Secretary in W.P.(MD).3888 of 2007*** dated 28.08.2007 by V.Ramasubramaniam, J. (as his lordship then was). In ***N Ramesh Bhagal v. State of Chattisgarh, 2025 SCC Online SC 173***, the Supreme Court has emphasised that it is the duty of the State to demarcate the burial grounds and ensure that persons are entitled to perform their religious right with dignity. When this judgment is read with Item 14 of the XII Schedule, it is clear that Karumandiselli Palayam (Special Grade) Town Panchayat is duty bound to notify a burial and burning areas within its limits, unless it resorts to Section 172(3) as pointed out supra.

65. Apart from this, the destruction of the existing graves has not only resulted in the dead who were in peace being affected but would have certainly affected their relatives who are still alive. All this point out that the concept of temporal sanctity of a grave, which this court in ***Commissioner of Greater Chennai Corporation v. S. Jaya in W.A.No.3243 of 2024 dated 24.07.2024***, had evolved has been violated by the mischievous elements who had destroyed the graves

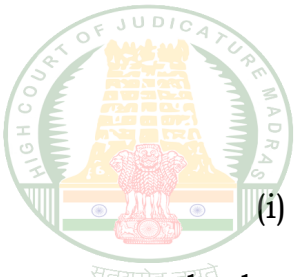


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and levelled the graveyard. The State respondents, when these aspects were brought to their notice, should have swung into action and ought to have initiated proceedings invoking Section 301 of the BNSS (297 of IPC) and set the criminal law into motion.

66. I would also like to recollect under the provision of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act of 1989 (hereinafter referred to as “SC/ST Act”). This Act mandates denying a person from a marginalised community access to the public burial or cremation ground is a criminal offence. It is a form of practicing untouchability, which has been declared as unconstitutional under Article 17 of the Constitution of India. The District Collector has been empowered under the SC/ST Act to give appropriate directions, when the persons belonging to the Scheduled Caste are treated unfairly and in a manner inviting the application of Article 17. The report of the District Collector showing that the graves of the persons belonging to the Scheduled Caste have been levelled. Necessarily he should have invoked the powers vested in him and initiated appropriate action.

67. *Ex consequenti*, the writ petition in **W.P.No.37501 of 2025 is disposed of** with the following directions:



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(i) The District Collector, Erode District shall ensure that whether the burial ground /crematorium being used in S.No.621/3 and S.No.628/8 are segregated and properly fenced.

(ii) Karumandiselli Palayam (Special Grade) Town Panchayat shall maintain the said burial ground/crematoria free from any encroachment or dumping of garbage.

(iii) The District Collector shall direct the concerned Tahsildar and Revenue Divisional Officer to take up immediate action on the resolution passed by the Karumandiselli Palayam (Special Grade) Town Panchayat on 14.10.2025 with full vigour and ensure that the lands, being used as burial ground or crematoria, are excluded from the revenue classification of "சர்கார் பொரம்போக்கு - வண்டி பாதை".

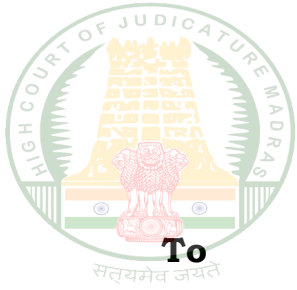
(iv) The District Collector should also initiate appropriate action against the persons who are responsible for levelling of the graves.

W.P.No.44377 of 2025 and W.P.No.36402 of 2025 are dismissed. No costs.

11.02.2026

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Neutral Citation : Yes

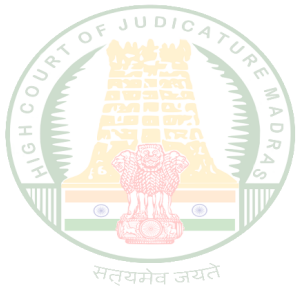


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To

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- 1.The District Collector,
District Collectorate,
Erode District – 638 011.
- 2.The District Revenue Officer,
District Collectorate,
Erode District – 638 011.
- 3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Erode District – 638 011.
- 4.The Tahsildar,
Taluk Office,
Perundurai Taluk,
Erode District – 638 052.
- 5.The Executive Officer,
Karumandisellipalayam Town Panchayat,
Perundurai Taluk, Erode District – 638 052.
- 6.The President,
Karumandisellipalayam Town Panchayat,
Perundurai Taluk,
Erode District – 638 052.
- 7.The Sub Registrar,
Perundurai, Erode District.
- 8.The Town Panchayat President,
Karumandisellipalayam Panchayat,
Perundurai Taluk,
Erode District.
- 9.The Village Administrative Officer,
Thiruvengadampalayam Village,
Karumandisellipalayam Panchayat,
Perundurai Taluk,
Erode District.



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V. LAKSHMINARAYANAN. J.

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