



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

WEB COPY

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 15266 of 2026

and WMP No.16458 of 2026

N.Elumalai
S/o. Late. Natesan,
Door No. 3/23B, Shakthivel Nagar,
Kannigapuram, Rathinagiri post,
Walaja Taluk, Ranipet district 632 517

..Petitioner(s)

Vs

1. The District Collector
Vellore District, Sathuvacheri,
Vellore District 632 009
2. The Tahsildar
Vellore Taluk,
Vellore District 632001
3. The Commissioner
Vellore Municipality,
Vellore District
4. The Village Administrative Officer
Virupakshipuram Village,
Vellore Taluk,
Vellore District 632 001
5. The Surveyor
Pennathur, Vellore Taluk
Vellore District.



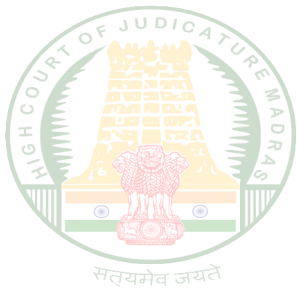
6. Yuvaraj
S/o. Kanniyappan,
Door No. 137B, 2nd Kulavimedu,
Virupakshipuram village,
Vellore Taluk, Vellore District.

..Respondent(s)

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India seeking the issuance of a Writ of Mandamus forbearing the respondents 2 to 5 to converting the Survey No. 513/2 in Virupakshipuram village classified as water body into burial ground and thereby causing hindrance to the petitioners cultivation, peaceful possession and enjoyment of the properties comprised in s.Nos. 513/3A, 513/3B and 513/3C at Virupakshipuram village, Vellore taluk, and Vellore District based on the petitioners representations/ complaints dated 26.02.2026 and 03.03.2026 to ensure protection of the petitioners rights to the property as per the Tamil Nadu Village panchayats (Provisions of Burial and Burning grounds) Rules 1999 , and in the light of the full bench decision of this court in Jagadheeswari vs. V.Babu reported in 2023 SCC on Line 4773.

For Petitioner(s): Mr. R.Chandrasudan

For Respondent(s): Mr. B. Pachaiyappan
Government Counsel
for R1, R2, R4 and R5



WEB COPY

WP No. 15266 of 2



Mr.P.S.Prabu

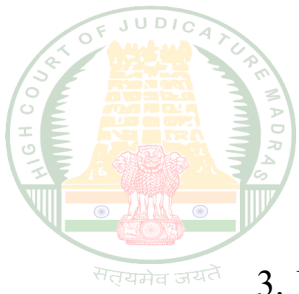
Standing Counsel for R3

Mr.M.Jaikumar for R6

ORDER

The present Writ Petition has been filed seeking the issuance of a Writ of Mandamus to forbear respondents 2 to 5 from converting Survey No. 513/2 in Virupakshipuram Village, which is classified as a water body, into a burial ground.

2. The learned counsel for the petitioner submitted that the land comprised in Survey No.513/2, Virupakshipuram Village, is classified as Eri Poramboke (Water body). According to the petitioner, the respondents have been utilising the said land as a burial ground for several decades. In this regard, the petitioner submitted representations dated 26.02.2026 and 03.03.2026 requesting the authorities to protect and maintain the land as a water body and to prevent its continued use as a burial ground. Since no action was taken on the said representations, the present Writ Petition has been filed.

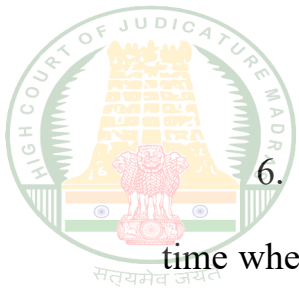


WEB COPY

3. Per contra, the learned Government Counsel appearing for the official respondents submitted that Survey No.513/2 is not a water body. Though a well had existed in the said survey field, the same has long since ceased to exist and has been closed. It was further submitted that the land has been continuously used as a burial ground for more than 50 years.

4. This Court is of the considered view that the controversy raised by the petitioner involves disputed questions of fact, particularly with regard to the nature and classification of the subject property. Such issues cannot be adjudicated in the exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India and are required to be established before the competent Civil Court.

5. The petitioner has also contended that residential dwelling units are situated within a distance of 90 metres from the burial ground and, therefore, its continued use is objectionable.



6. In response, the learned Government Counsel submitted that, at the time when the burial ground was established, there were no residential dwelling units in the vicinity.

7. Having regard to the facts and circumstances of the case, and considering the submission that the subject land has been in use as a burial ground for more than five decades, this Court is of the view that the petitioner must work out his remedy before the competent Civil Court by adducing appropriate evidence. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

13-07-2026

Asi

To

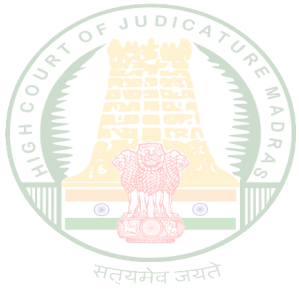
1. The District collector
Vellore District, Sathuvacheri,
Vellore District 632 009.
2. The Tahsildar
Vellore Taluk,
Vellore District 632001.



3. The Commissioner
Vellore Municipality,
Vellore District.

4. The Village Administrative officer
Virupakshipuram Village,
Vellore Taluk, Vellore District 632 001

5. The Surveyor
Pennathur, Vellore Taluk
Vellore District.



WEB COPY

WP No. 15266 of 2



KRISHNAN RAMASAMY, J.

Asi

**WP No. 15266 of 2026
and WMP No.16458 of 2026**

13-07-2026