



W.P.(MD) No.9289 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.9289 of 2023
and
W.M.P.(MD) No.8339 of 2023

S.P.Muthu Raman

... Petitioner

-VS-

1.The District Environmental Engineer
Tamil Nadu Pollution Control Board
No.30/2, SIDCO Industrial Estate
Pettai, Tirunelveli District

2.The District Environmental Engineer
Tamil Nadu Pollution Control Board
C-7 and C-9, SIPCOT Industrial Estate
Melavattam, Thoothukudi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent's no.1 and 2 to take appropriate action for protecting the Thamirabarani perennial river from the act of cremating the dead bodies and conducting thithi (an eve denoting the death



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anniversary) at the rivers beds of Thamirabarani and from disposing the ashes and bones into the said river on the strength of the petitioner's representation dated 23.02.2020 and 24.02.2020 forthwith.

For Petitioner : Mr.R.Anand

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit, the petitioner therefore prays that this Hon'ble Court may be pleased to issue a direction or writ more particularly in the nature of writ of Mandamus by directing the respondent's no.1 and 2 to take appropriate action for protecting the Thamirabarani perennial river from the act of cremating the dead bodies and conducting thithi (an eve denoting the death anniversary) at the rivers beds of Thamirabarani and from disposing the ashes and bones into the said river on the strength of the petitioner's representation dated 23.02.2020 and 24.02.2020 forthwith and pass such any or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.”



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2. We do not think that we can entertain such a writ petition.

Permitting cremations or performance of other rituals on the river-banks is entirely a decision which is to be taken by the State Government. We do not think that this Court sitting under Article 226 of the Constitution of India would interfere in such matters, particularly, when they relate to religious sentiments of the people. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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