

Neutral Citation No. - 2023:AHC-LKO:72991-DB

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 879 of 2023

Petitioner :- Arjun Prasad

Respondent :- State Of U.P. Thru. Addl. Chief Secy. / Prin. Secy. Revenue, U.P. Civil Secrt. Lko. And Others

Counsel for Petitioner :- Amit Mishra, Vinay Prakash Tiwari

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. The present writ petition filed in public interest prays for the reliefs as under :-

(i) Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities not to cancel the cremation land (Anteshti Sthal) i.e. gata no. 76 situated in Gram Panchayat Amrai, Block-Gaura, district Pratapgarh, which was already sanctioned by the government for the said village.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondents to allot the budget for the purpose of construction of the cremation place in gram panchayat Amrai, Block-Gaura, district Pratapgarh and allow to start construction work of cremation place over the gata no. 76 keeping in view of welfare of villagers.

(iii) issue any other writ, order or direction which this Hon'ble Court may deem just and proper in the circumstances of the case.

2. Instructions were called for as to whether any part of the gata no. 76 recorded as cremation ground is being utilized for any purpose other than the cremation or the same has been encroached upon or not. It is informed by learned Standing Counsel that no part of the land reserved for cremation is

encroached upon nor is being utilized for any purpose other than the cremation.

3. We make it clear that any land reserved for cremation is bound to be utilized for carrying out the last rites of the dead bodies as per the faith of a person which is an essential right and the local authority must allow performance of such rights to be carried out on the land reserved for the purpose.
4. Once the land in question is not encroached upon or utilized for any other purpose, we do not see any grievance which may have arisen to the present petitioner for the reliefs as have been sought herein.
5. In view of above what has been observed herein-above, the writ petition is accordingly disposed of.

Order Date :- 6.11.2023

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