

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31953 of 2015
and
M.P.No.1 of 2015

D.Manoharan .. Petitioner

-vs-

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The Tahsildar,
Palladam Taluk, Palladam,
Tiruppur District.
- 3.Palladam Panchayat Union,
rep. by its Commissioner,
Palladam.
- 4.Panickampatti Village Panchayat (Secondary Grade),
rep. by its President,
Panickampatti Village,
Palladam Taluk,
Tiruppur District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to the order made in Na.Ka.No.3204/2015/B1 dated 28.08.2015 passed by the first respondent and quash the same and consequently forbear the respondents from any manner putting up electric crematorium in the pond in the land bearing S.No.386/B (S.No.386/B2A) to an extent of 2.00 Acres situated at Venkkitapuram village, Palladam Taluk, Tiruppur District.

For Petitioner : Mr.G.Ethirajulu
For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugasundar
Government Advocate for R1 & R2
Mr.V.R.Kamalanathan
Addl. G.P. for R3 and R4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner once again seeks to obstruct the construction of electric crematorium. The dispute as to where the electric crematorium should be located has seen more than one proceedings in the past. The Collector, Tiruppur has now looked into the issue and located the land. Now the petitioner is of the view that the construction is being made in a water body.

2. The petitioner has raised several queries under RTI Act, which were answered and the District Collector, Tiruppur has examined the matter and passed the order on 28.08.2015, where he has opined that the portion allotted for establishing the electric crematorium cannot be categorised as water body as alleged by the petitioner as the total area is larger and only part of the area is a water body where no construction is to be made. The area in question has a separate sub-division number as well.

3. It appears both from the pleadings and the submissions of the learned counsel for the petitioner that there is misconception as to what is an electric crematorium. That is why during the course of submissions, reference has been made again and again to burial ground and an impression as if there will be cremation in an open area. The technology used for electric cremation is such as the surrounding areas are not so affected by any pollution. We may note that this electric crematorium is being financed by the Rotary and when the population is increasing and habitation is expanding, the electric crematorium has become necessary.

4. The administrative decision has been taken by the first respondent, looking into the factual aspects, including the distance from the water body, which is 70 metres, as also the accessibility to the area, where habitation is about 4 kilometres away. We cannot say such a decision is perverse or motivated so as to call for judicial intervention in an administrative matter.

5. The writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Tahsildar,
Palladam Taluk, Palladam,
Tiruppur District.

3.The Commissioner,
Palladam Panchayat Union,
Palladam.

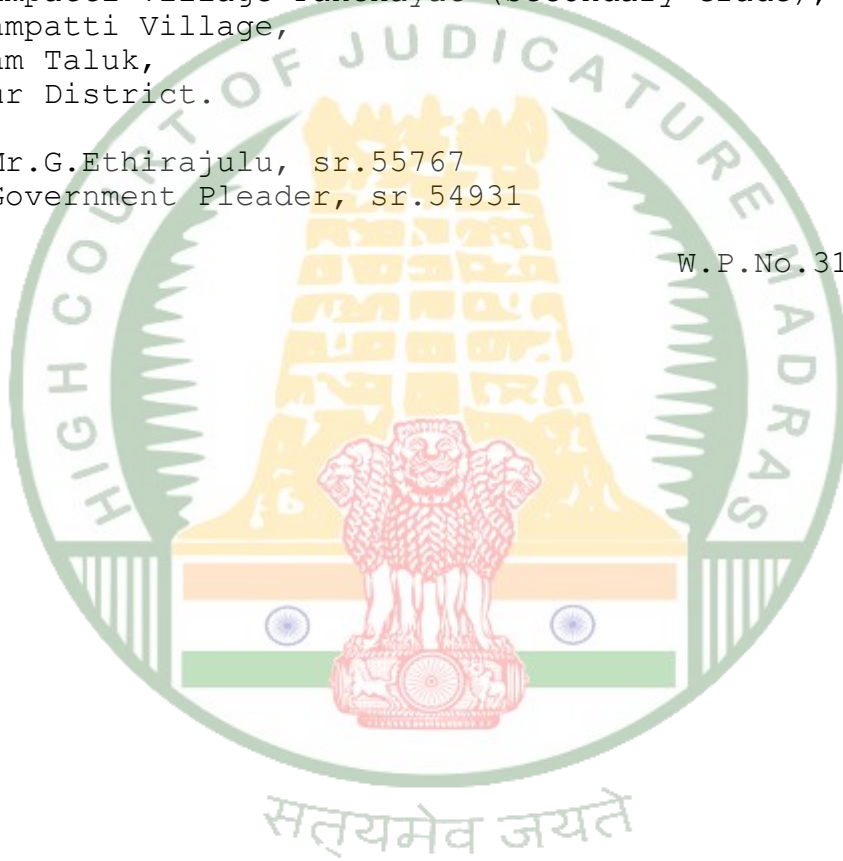
4.The President,
Panickampatti Village Panchayat (Secondary Grade),
Panickampatti Village,
Palladam Taluk,
Tiruppur District.

+1 cc to Mr.G.Ethirajulu, sr.55767

+1 cc to Government Pleader, sr.54931

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