

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.11878 of 2012

ORDER:

-

This writ petition under Article 226 of the Constitution of India is filed to declare the action of the respondents 1 to 4 in not passing orders on the representation of the petitioner dated 03.06.2011 and notice dated 14.06.2010 as illegal, arbitrary and in violation of the principles of natural justice.

2. I have heard the submissions of the learned counsel for the writ petitioner, the learned Government Pleader appearing for the 1st respondent, the learned Standing Counsel appearing for the 2nd respondent and the learned counsel appearing for the 4th respondent. Though the 5th respondent is served with the notice, none appeared. I have perused the material record.

3. The case of the writ petitioner, as set out in the writ petition and as per the submissions made, in brief, is as follows:

He is a registered medical practitioner and also running a Central Medical Institute of Pathology. The said institution is recognised by the Government of Andhra Pradesh. Adjacent to his residential premises i.e., on the Eastern side, the vacant site of the 5th respondent is situate. The people belonging to Ediga (Toddy Tappers') community are using the same for cremation. Since the said site is being used as a burial or a cremation ground and as the said site is adjacent to the residential house of the writ petitioner, he made a representation to the respondents 1 to 4 bringing the said fact to their knowledge. Burning of the dead bodies in the site adjacent to his residential house is causing smoke and fowl smell. The said acts are also polluting the environment and have become a health hazard for the residents of the locality. There is a separate burial ground in the Gram Panchayat for the Hindus, the Muslims and the Christians. At the instance of the 5th respondent, the site adjacent to the house of the petitioner is being used as a burial or a cremation ground. His representations dated 14.06.2010 and 03.06.2011 are not being attended to by the respondents 1 to 4. Feeling aggrieved of the said inaction on the part of the said respondents, the writ petition is filed.

4. No counters are filed.

5. The learned Standing Counsel appearing for the 2nd respondent would submit that there is a separate burial ground and that no acts as complained of are being committed by any person and that in any view of the matter, the 2nd respondent is prepared to consider and dispose of the representation dated 03.06.2011 and the relevant representations in the notice dated 14.06.2010 of the petitioner and that, therefore, appropriate directions may be given and the writ petition may be disposed of accordingly.

6. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representation of the petitioner dated 03.06.2011 and the representations in the notice dated 14.06.2010 in strict accordance with the procedure established by law by passing appropriate orders, however, after giving an opportunity of hearing to the writ petitioner. The writ petitioner is also directed to submit the copies of the said representation and notice along with a copy of this order to the Gram Panchayat within a period of two (02) weeks from the date of the receipt of a copy of this order to enable it to do the needful in the matter. On such receipt of the same, the 2nd respondent shall consider and dispose of the same as directed in this order as expeditiously as possible and at any rate not later than two (02) months from the date of the receipt of the same by the Gram Panchayat. No costs.

Miscellaneous petitions, pending if any, in the writ petition shall stand closed.

M. SEETHARAMA MURTI, J

21.12.2015
Vjl