

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2016

CORAM

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

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.35176 of 2013

and

M.P.No.1 of 2013

K.S.Aruchamy

.. Petitioner

-vs-

- 1.The District Collector,
Coimbatore District,
State Bank Road,
Coimbatore.
- 2.The Block Development Officer,
Sulur Panchayat Union,
Muthugoundanpudur (Via),
Sulur, Coimbatore District.
- 3.The President,
Kalangal Panchayat,
Kalangal-641 402,
Sulur Taluk,
Coimbatore District. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents from constructing burial/cremation ground in Survey No.245 of Chinna Kalangal Village, Coimbatore District, adjacent to the existing Panchayat Well and Panchayat Bore Well.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.STS.Moorthy
Govt. Pleader for R1 to R3

ORDER

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

The petitioner, resident of Kalangal Village claims that there are 1000 families residing in the village and another 9 families at Chinna Kalangal Village. The grievance is against the construction of burial/cremation ground within 5 feet from

the Panchayat Bore Well, which is stated to be the only source of drinking water for both the villages.

2. On our query that location of burial/cremation ground is within the administrative domain of the respondents, the learned counsel for the petitioner submits that so long as some distance is maintained of the same from the Panchayat Bore Well, the petitioner can have no objection.

3. We find that there are interim stay orders operating for the last 2½ years.

4. We are of the view that the respondents should be permitted to proceed with setting up of the burial/cremation ground, but maintain some practical distance from the Panchayat Bore Well.

5. The writ petition stands closed in aforesaid terms. No costs. Interim stay orders already granted stands vacated and M.P.No.1 of 2013 is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Coimbatore District, सत्यमेव जयते
State Bank Road,
Coimbatore.
- 2.The Block Development Officer,
Sulur Panchayat Union,
Sulur, Coimbatore District.
- 3.The President,
Kalangal Panchayat,
Kalangal-641 402,
Sulur Taluk,
Coimbatore District.

1 cc to The Government Pleader, sr.37532
1 cc to Mr.S.Saravanan, Advocate, sr.36976

W.P.No.35176 of 2013

pa co
kra 19.07.2016