

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 18.09.2017****CORAM :****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P (MD) No.16538 of 2017
and
W.M.P. (MD) .No.13175 of 2017**

Chinnaiah : Petitioner

Vs.

1. The District Collector,
The Office of District Collector,
Sivagangai District.2. The commissioner of Municipality,
Office of the Municipality,
Devakottai.

: Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents not to erect the Electrical Crematorium in Survey Nos.A/9/24-2 and A/9/26-1A, situated at 6th Street, Ram Nagar, Devakottai.

For Petitioner : Ms.R.Karthika
For M/S.Right Law Associates
For Respondent No.1 : Mr.T.S.Mohamad Mohideen
Additional Government Pleader
For Respondent No.2 : Mr.H.Mohammed Imran

O R D E R**(Order of the Court was made by G.R.SWAMINATHAN, J.)**

The writ petitioner seeks to restrain the authorities from erecting the Electrical Crematorium in Survey Nos.A/9/24-2 and A/9/26-1A, situated at 6th Street, Ram Nagar, Devakottai. He has given a representation dated 18.07.2017 in this regard. Since there was no positive response, he filed the present writ petition.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel appearing for the parties.



3.The second respondent has filed a detailed counter affidavit. It is brought to the notice of this Court that on earlier occasion, W.P.(MD).No.6806 of 2011 was filed seeking a direction to the respondents to provide Electric Crematorium for the residents of Devakottai Municipality. The Municipality passed a resolution No.177, dated 28.02.2011 in this regard.

4.This Court directed the Municipality to identify a place, get necessary sanction from the authorities and report compliance. Following the submission of compliance report, the said writ petition was closed on 15.09.2015. Therefore, this Court cannot pass any order restraining the second respondent from establishing the Electric Crematorium. The location of the Electric Crematorium is away from any residential locality. Therefore, the objections raised by the writ petitioner is ill founded. We find no merits in this writ petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
The Office of District Collector,
Sivagangai District.
2. The commissioner of Municipality,
Office of the Municipality,
Devakottai.

+1cc to M/S.Right Law Associates, Sr.No.79524
+1cc to M/s. Ajmal Associates, Advocate Sr.No.79550
+1cc to Spl.Government Pleader Sr.No.79731

TSG

VB/MR/KKR/SAR4/09/11/2017/2P/6C

**Order made in
W.P (MD) No.16538 of 2017
and**

**W.M.P. (MD) .No.13175 of 2017
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