

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-15991-2015 (O&M)
Date of decision:- 14.09.2017

Gaje Singh Kablana and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Vinod S. Bhardwaj, Advocate,
for the petitioners.

Mr. Deepak Balyan, Additional Advocate General, Haryana,
for respondents No. 1 and 4.

Mr. Vishal Garg, Advocate,
for respondents No. 2, 3 and 5.

Mr. Sachin Mittal, Advocate,
for the petitioners in CWP-3453-2011
(already disposed of on 22.07.2013).

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S.J. VAZIFDAR, C.J. (ORAL)

The dispute in this writ petition pertains to the site for a cremation ground within Sector 23, Gurugram. Initially, the cremation ground was at a particular site. Subsequently, as per the zoning plan of the year 1998, this site was shifted within the same sector. Despite the same, the cremation ground continued at the original site. The petitioners in this writ petition as well as the petitioners in CWP-3453-2011 titled as *Sanjay Kumar and others Vs Haryana Urban Development Authority and others*, which was disposed of by an order and judgement of a Division Bench of this Court dated 22.07.2013, were aggrieved by the location at the original as well as at the new site. By the said order dated 22.07.2013, the site as per the zoning plan of 1998 was ordered to be used. However, it appears that pursuant to certain representations, there is a

proposal pending with the State Government as well as the

Central Government for shifting the site to yet another location also within Sector 23. The State Government has no objection to the same. The Central Government has to take a final decision approving the site for the cremation ground in view of the fact that the same falls within 900 meters of the restricted area around an ammunition depot. We are informed that at present the third site is being used as a cremation ground.

2. The learned counsel appearing on behalf of respondents No. 2, 3 and 5 - Haryana Urban Development Authority state that they have no objection to the same.

3. There does not appear to be any opposition from the official respondents to the same. However, the Central Government and the State Government must take a final decision as to whether the third site can be used as a cremation ground or not and if they decide to permit it, the process for the same must be completed as soon as possible.

4. At present, therefore, neither the petitioners in this writ petition, nor the petitioners in CWP-3453-2011 are aggrieved on account of the fact that the third site is being used as a cremation ground without any obstruction thereto from the authorities. It is not necessary, therefore, to proceed with this writ petition at this stage. In the event of there being any change in circumstances, the petitioners in this writ petition as well as the petitioners in CWP-3453-2011 and for that matter any other concerned party is always at liberty to adopt proceedings in accordance with law.

5. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

14.09.2017

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No