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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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W.P.(C)No.3131/2016

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Date of decision : 15th September, 2017

MUNIRKA VILLAGE RESIDENT WELFARE ASSOCIATION
(REGD.) Petitioner

Through : Mr. Aman Mudgal for
Mr. N.S. Dalal, Adv.

versus

UNION OF INDIA AND ORS Respondents

Through : Mr. Rakesh Kumar, CGSC for
R-1/UOI
Ms. Mansi Gupta, Adv. for R-
2/SDMC
Mr. Dhanesh Relhan,
Ms. Akshita Manocha and Ms.
Gauri Chaturvedi, Advs. for R-
DDA

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. The instant writ petition has been filed by an association of the Residents of the Munirka Village namely the Munirka Village Resident Welfare Association in public interest, *inter alia*, seeking a

direction to the respondents to provide infrastructure for the upkeep and maintenance of cremation grounds.

2. The South Delhi Municipal Corporation impleaded as respondent no.2, has filed a counter affidavit dated 6th February, 2017 (page 25) stating that it is diligently performing obligatory functions under Section 42 of the Delhi Municipal Corporation Act, 1957 which under sub-section (f) mandates it to regulate places for disposal of the dead. It is submitted that cremations squarely fall under the jurisdiction of the Municipal Corporation under Section 42(f) of the Delhi Municipal Corporation Act, 1957.

3. So far as the cremation grounds in the jurisdiction of the South Delhi Municipal Corporation is concerned, the respondent no.2 has filed a list of 40 cremation grounds which are being maintained by the Public Health Department of the SDMC-respondent no.2. In addition, a list of 22 cremation grounds which have been allotted to Non-Governmental Organisations, has been provided. This list includes the details of the NGOs which have been allotted the cremation grounds and are maintaining the same.

4. The petitioner has not disputed the statement of facts made by the respondent no.2. It would, therefore appear that the respondent no.2 is complying with the mandate of Section 42(f) of the Municipal Corporation of Delhi Act, 1957.

5. We may note that a challenge has been made to Section 391 of the Municipal Corporation of Delhi Act, 1957 without any details or particulars. No basis for the challenge is even laid out. The challenge

to the constitutionality of Section 391 of DMC Act, 1957 is, therefore, dismissed.

6. This writ petition is disposed of in the above terms.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 15, 2017/kr

