

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Ms.JUSTICE P.T.ASHA

W.P. No.17025 of 2018
and WMP.No.20275 of 2018

E.Palani

... Petitioner-in-
Person

-vs-

1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2.The Secretary,
Government of Tamil Nadu,
Revenue Department,
Land Disposed Wing,
Fort St. George,
Chennai - 600 009.

3.The Secretary,
Health Department,
Fort St. George,
Chennai - 600 009.

4.The Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.

5.The Secretary,
Municipal Administration & Water Supply Department,
Fort St. George,
Chennai - 600 009.

6.The Secretary,
Finance (Revenue) Department,
Fort St. George,
Chennai - 600 009.

7.The Collector,
Chennai District,
Chennai.

8.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chetpet, Chennai - 600 005.

9.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

10.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 007.

11.The Commissioner of Police,
Vepery, Chennai - 600 007. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the Government Order No.249 dated 04.8.2017 Revenue Department, Land Disposed Wing, the 2nd respondent and quash the same and consequently directing the 2nd respondent to implement the reformatory suggestions based on the representations of the petitioner dated 26.10.2017 and implement orders.

For Petitioner : Mr.E.Palani
Petitioner-in-person

For Respondents : Mr.T.N.Rajagopalan
Government Pleader
for respondents 1 to 7 & 11

Mr.Vijay Narayan
Advocate General
assisted by
Mr.K.Soundararajan
for 10th respondent

Mr.S.Prabhu
for 8th respondent

ORDER

(Made by Ms.Indira Banerjee, Chief Justice)

The petitioner, who claims to be a resident of North Chennai for over five decades, has filed this writ petition, purportedly in public interest, seeking a writ of certiorarified mandamus calling for records of the Government Order No.249, dated 4.8.2017 of the Land Disposal Wing of the Revenue Department and to quash the same.

2. It is the case of the petitioner that there is a Hindu burial ground cum cremation ground in the Washermenpet area viz., Moolakothalam burial ground, for burial of the dead.

3. According to the petitioner, the burial ground is spread over an area of about 26 acres. Based on information, the petitioner has given particulars of the dead bodies that were buried and/or cremated at Moolakothalam burial ground/cremation ground from 2010 onwards.

4. On the face of the averments in the writ petition, the burial ground/cremation ground is comprised of an area of 26 acres. Learned Advocate General appearing on behalf of the Corporation submits, on instructions, that there are 60.50 acres of land, of which only 11.59 acres is to be used for housing of slum dwellers under the Pradhan Mantri Awas Yojana i.e., housing for all. It is submitted that no tomb/grave is to be affected. The area used as a burial ground/cremation ground is to remain untouched.

5. Housing of slum dwellers is imperative. Right to shelter is a part of the right to live conferred under Article 21 of the Constitution of India, which includes the right to live with dignity. No resident can possibly object to a housing project for slum dwellers on Government poramboke land.

6. Learned Advocate General submits that in 2016, objections were invited. There were no objections then. The land has been made over and contract for construction has also been executed.

7. In view of the undertaking given that the existing graveyard/burial ground is not going to be affected by the construction, we do not deem it necessary to interfere with the project, which is for the benefit of the underprivileged residents of the City.

9. The writ petition is dismissed with the above observations. It is made clear that the existing tombs and/or graves shall not be disturbed in any manner. No costs. Consequently, W.M.P.No.20275 of 2018 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bbr

To

- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
- 2.The Secretary,
Government of Tamil Nadu,
Revenue Department, Land Disposed Wing,
Fort St. George, Chennai - 600 009.
- 3.The Secretary,
Health Department,
Fort St. George, Chennai - 600 009.
- 4.The Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
- 5.The Secretary,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai - 600 009.
- 6.The Secretary,
Finance (Revenue) Department,
Fort St. George, Chennai - 600 009.
- 7.The Collector,
Chennai District, Chennai.
- 8.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai, Chetpet, Chennai - 600 005.

9.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai - 600 008.

10.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 007.

11.The Commissioner of Police, Vepery, Chennai - 600 007.

+lcc to Mr.K.Soundararajan, advocate sr.no.45218

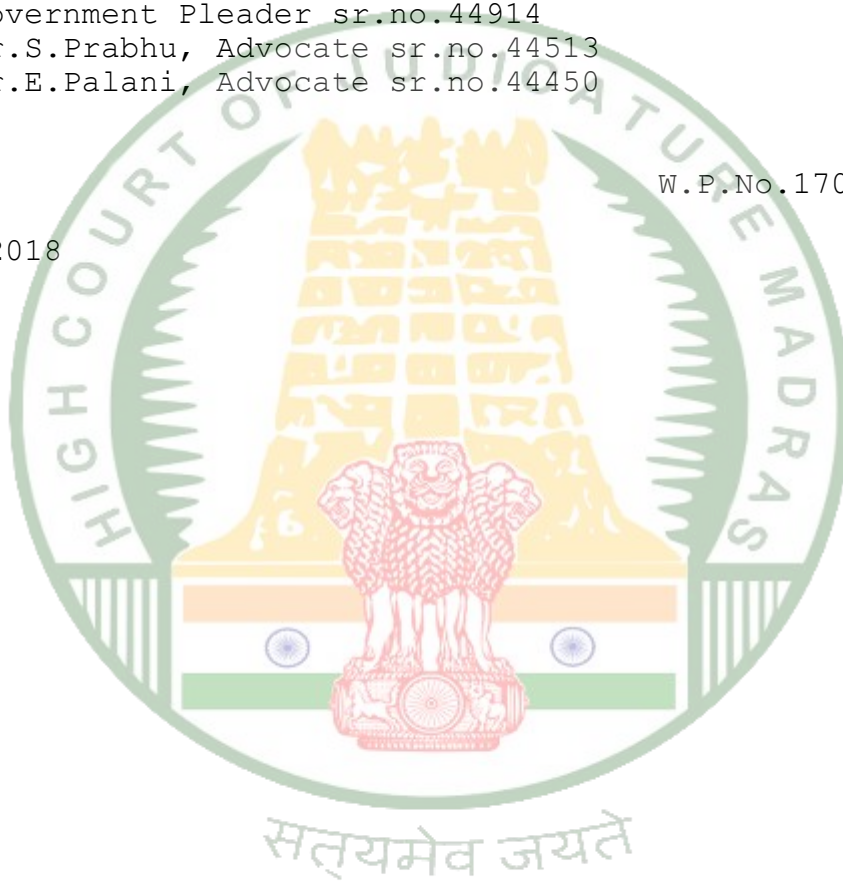
+lcc to Government Pleader sr.no.44914

+lcc to Mr.S.Prabhu, Advocate sr.no.44513

+lcc to Mr.E.Palani, Advocate sr.no.44450

W.P.No.17025 of 2018

nr 19/07/2018



WEB COPY