

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

WP.No.9586 of 2016
and WMP.No.8624 of 2016

N. Geetha

..Petitioner

vs

1.The District Collector
Kancheepuram District,
Collectorate Complex,
Kancheepuram - 631 501

2. The Assistant Director (Panchayat)
Kancheepuram Zone,
Collectorate Complex,
Kancheepuram - 631 501

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India petitioner prayed that this Hon'ble Court may be pleased to issue a writ of Mandamus or any other writ of order or direction in the nature of a writ directing the Respondents to dispose off the Petitioner's representation dated 28.09.2015 within a time frame to be fixed by this Court and consequently to restrain the Respondents from permitting burial and cremation of bodies in unauthorized lands in violation of the Tamil Nadu Village Panchayats (Provision of burial and burning grounds) Rules, 1999 under The Tamil Nadu Panchayat Act, 1994 pending disposal of the Petitioner's representation dated 28.09.2015.

For Petitioner : Mrs.T. Kokilavane

For Respondents : Mr. R.S. Selvam
Government Advocate.

ORDER

The relief sought for in this writ petition is for direction to dispose of the petitioner's representation dated 28.09.2015 within a stipulated time.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner is the resident of Lakshmi Nagar Extension, Porur, Chennai- 600 116 and they are witnessing frequent burial of human body in the unapproved places, which causes greater nuisance as well as creating lot of other issues in that locality. The Human bodies

are buried in the unapproved places in order to encroach the public places. This apart, such burial activities are undertaken by some groups on account of certain criminal activities. The concern of the writ petitioner is that the human bodies, buried in the unapproved places would cause greater concern to the public residing in and around of that locality. Under these circumstances, the writ petitioner made several complaints to the authorities concerned. But, no action was taken in this regard.

3. The learned counsel appearing for the petitioner made a submission that under the Tamil Nadu Village Panchayats (Provision of Burial and Burning Grounds) Rules, 1999, the burial of human body must be undertaken only in the approved places and nobody can carryout the burial activities in an unapproved places, when the Rules are in force. The respondents are failed in their duty to implement the Rules in its letter and spirit. Citing the Rules and provisions and the in action of the officials concerned, the writ petitioner have submitted representation to the District Collector on 28.09.2015, however, no action has been taken in this regard by the respondents. Thus, the writ petitioner is constrained to move the present writ petition seeking relief to consider his representation.

4. This Court is of an opinion that the activities regarding burial of human bodies are to be regularized by the District Administration in accordance with the Rules in force. Rules in this regard have to be followed scrupulously for regulating such activities and for the maintenance of environmental aspects. The respondents are bound to maintain all these aspects in accordance with law.

5. This being the principles to be followed, the 1st respondent / District Collector is directed to consider the representation submitted by the writ petitioner on 28.09.2015 and pass orders on merits and in accordance with law and communicate the same to the writ petitioner within a period of twelve weeks from the date of receipt of the copy of this order. The writ petitioner is directed to send a copy of the representation once again and all relevant documents along with the orders passed in this writ petition.

5. Accordingly, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

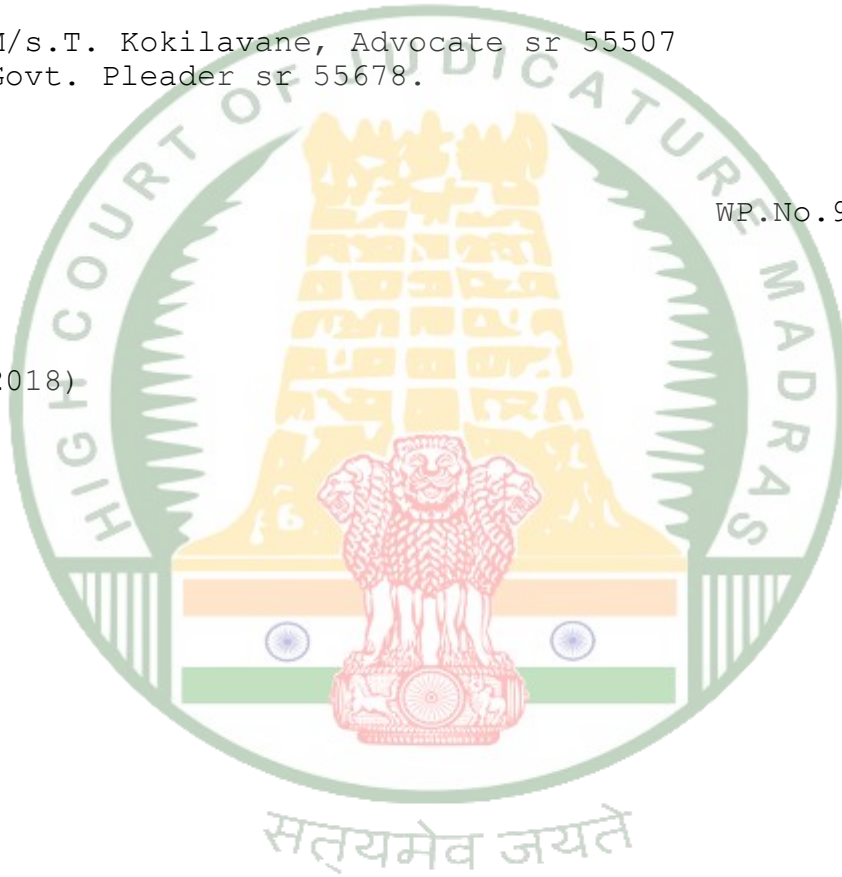
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+1 CC to M/s.T. Kokilavane, Advocate sr 55507
+1 CC to Govt. Pleader sr 55678.

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NRL (CO)
SP (04/09/2018)



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