

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

PUBLIC INTEREST LITIGATION NO. 158 OF 2018

Anita Suresh Manvatkar

.. Petitioner

Vs

The State of Maharashtra and others

.. Respondents

Mr.J.G.Aradwad (Reddy) i/b Mr.Nilesh Wable, for the Petitioner.

Mr.P.P.Kakade - Government Pleader a/w Mr.K.S.Thorat- Addl.
Government Pleader, for Respondent Nos.1 and 4.

Mr.G.S.Hegde a/w Mr.C.M.Lokesh, for Respondent No.3.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M.JAMDAR, J.***

Date : 18 July, 2019.

P.C. :

1. Cremation ground at Gat No.69 admeasuring 26 Ares in village Rabale, District Thane ownership of which vested in the Gram Panchayat came to be acquired and post acquisition handed over to the Maharashtra Industrial Development Corporation. Adjoining lands acquired by the State of Maharashtra were placed at the disposal of CIDCO.

2. The villagers raised the issue as to where they would cremate the dead bodies. MIDC agreed to make available a suitable

parcel of land for the reason the land comprising the cremation ground was situated somewhere in the interior of the lands which were acquired and placed at the disposal of MIDC. CIDCO also got entrapped in the solution process because on 29 August 1990 a request was made to CIDCO to hand over 500 sq.meters of land for the cremation ground. The ball shifted between MIDC and CIDCO.

3. MIDC transferred land which was placed at its disposal to Navi Mumbai Municipal Corporation and this included the land on which the cremation ground existed.

4. The grievance of the Petitioner is that till date the authorities under the State of Maharashtra and Navi Mumbai Municipal Corporation have not been able to resolve the issue and prays that a suitable parcel of land be earmarked for a cremation ground.

5. Suffice it to state that it is the obligation of the State to ensure that if a common village land, used as a cremation ground, is acquired the inhabitants of the area be provided with an alternative land on which a cremation ground can be established.

6. Undisputably, till date, cremation continues to be performed at the site of the cremation ground i.e. in Gat No.69.

7. Thus we dispose of the Petition directing the Respondents not to interfere with the right of the villagers to

continue to cremate dead bodies on land comprised in Gat No.69 till alternative land is made available for a cremation ground.

N.M.JAMDAR, J.

CHIEF JUSTICE