

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.24575 of 2019

G.Jayaraman

... Petitioner

Vs

1. The District Collector,
Chennai District,
Chennai.

2. The Tahsildar,
Alandur Taluk, Chennai District.

3. The Commissioner,
Greater Chennai Corporation,
Chennai - 3.

4. The Zonal Officer,
Corporation of Chennai,
Zone-12, Ward 165,
Vanuvampet, Chennai - 91.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a writ of mandamus, directing the respondents to take necessary action on the petitioner's representation made on 20.07.2019 with regard to the restoration of the Burial Ground situate in S.No.265/5, New T.S.No.31 of an extent of 2450 sq.mtrs. [26,373, sq.ft.) in Adambakkam Village, Alandur Taluk, Chennai District and for renovation of the same by putting up of Electrical Crematorium duly erecting Compound Wall so as to make use of the General Public of Vanuvampet, Indira Nagar, Ram Nagar and other adjoining areas of Vanuvampet Village, Alandur Taluk, Chennai District.

For Petitioner : Mr.A.Ramalingam

For Respondents: Mr.E.Manoharan (for R1 & R2)
Additional Government Pleader.

Mr.K.Soundara Rajan (for R3 & R4)
Standing counsel for Chennai Corpn.

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Claiming to be a resident of Vanuvampet Village, Chennai, a practicing advocate at Chennai, has filed the instant Public Interest Writ Petition, for a mandamus, directing the respondents to take necessary action on his representation dated 20.07.2019, with regard to the restoration of Burial Ground situate in S.No.265/5, New T.S.No.31 of an extent of 2450 sq.mtrs. [26,373, sq.ft.) in Adambakkam Village, Alandur Taluk, Chennai District and for renovation of the same, by putting up of Electrical Crematorium, duly erecting Compound Wall, so as to make use of the general public of Vanuvampet, Indira Nagar, Ram Nagar and other adjoining areas of Vanuvampet Village, Alandur Taluk, Chennai District.

2. Supporting the prayer sought for, petitioner has averred as follows:

(i) General public residing in Vanuvampet, Indira Nagar, Ram Nagar and other adjoining area of Vanuvampet Village are using the Burial Ground situated in S.No.265/5, New T.S.No.31 of an extent of 2450 sq.mtrs. [26,373 sq.ft.] i.e. 11 Grounds, Adambakkam Village, Alandur Taluk, from time immemorial. Recently, due to the encroachment of some third parties in and around the said Burial Ground area with the connivance of local officials, the present area of the said Burial Ground area has been reduced and diminished from 11 Grounds into 3 Grounds only. Due to the said encroachments, the general public of the Vanuvampet, Indira Nagar, Ram Nagar and other adjoining areas of Vanuvampet Village, could not use the Burial Ground properly. However, the local authorities with an intention to help the encroachers, closed the Burial Ground once for all and instructed the general public of the area to go for another Burial Ground situate in Kannan Colony, Nanganallur or Balakrishnapuram, Adambakkam. In fact, these Burial Grounds are 3 to 4 kms. far away from the said area and that too, will lead to law and order problems while taking the dead body through various areas and may cause for unnecessary rivalry between the men belonging to the said area and performing the last rites.

(ii) In view of these reasons, the general public of the area including the petitioner have made a representation on 20.07.2019 to the respondents to restore the Burial Ground situate in S.No.265/5, New T.S.No.31 of an extent of 2450 sq.mtrs. (26,373 sq.ft) ie. 11 Grounds, Adambakkam Village, Alandur Taluk, Chennai District and for renovation and putting up of Electrical Crematorium duly erecting Compound Wall around the Burial Ground so as to make use of the general public Vanuvampet, Indira Nagar, Ram Nagar and other adjoining areas of

Vanuvampet Village, Alandur Taluk, Chennai District, as previously put in use.

3. On notice, Zonal Officer, Zone-12, Corporation of Chennai, has filed counter affidavit, which reads thus:

(i) Burial ground situated in the above S.No.265/5 New T.S.31 to an extent of 2450 sq.mtrs. in Adambakkam Village, Alandur Taluk, Chennai District, was originally maintained by the then Alandur Municipality with the Chennai Corporation and the same is vested and maintained by the Greater Chennai Corporation. Originally, the burial ground was also having provision for burning the dead bodies by using the logs. At that time, the area was not developed and therefore, there was no problem in maintaining the burial ground with cremation facilities. There were lot of developments around the burial ground and the public residing near the said burial ground complained about the nuisance of pollution created by burning the dead bodies.

(ii) In the nearby vicinity there are two more burial grounds with Gasifer Cremation facilities maintained by the then Alandur Municipality, viz., Balakrishnapuram, Adambakkam and Kannan Colony, Alandur. There is one more burial ground at Puzhuthivakkam maintained by the Ullagaram - Puzhuthivakkam, 3rd Grade Municipality in which the conventional method of burning the dead bodies were done. After the said Municipality was annexed with Chennai Corporation, improvements were made in that two burial grounds at Balakrishnapuram and Kannan Colony. Puzhuthivakkam burial ground was also renovated and Gasifer cremation was made available by the Chennai Corporation. These burial grounds with crematorium facilities are very nearer to the burial ground at Vanuvampet, Adambakkam.

(iii) As already stated that there are several complaints from the Public about the conventional method of burning the dead bodies at the Vanuvampet burial ground and therefore, in order to give a clean environment to the public, residing around the burial ground, it was decided to stop the cremation of the dead bodies in the Vanuvampet burial ground. The public were also informed to make use of the three burial grounds situated near the Vanuvampet burial ground for burning the dead bodies. Corporation has not prevented the burial of dead bodies in the Vanuvampet burial ground but only restricted the burning of dead bodies by conventional method in order to have clear environment.

(iv) Insofar as the putting up of Gasifier Crematorium, already there are three Gasifier crematoriums around the Vanuvampet burial ground and therefore, there is no necessity for having Gasifier crematorium in the Vanuvampet burial ground. The request made by the Chennai Corporation to the public to use the three burial ground situated at Balakrishnapuram, Kannan Colony and Puzhuthivakkam for burning the dead bodies, were also

well received by the public.

(v) In the place where the burning of dead bodies were stopped, a portion of that area has been used for manufacturing composed manure by using the wet waste obtained by the Chennai Corporation from the residence of the Public. It is a fact that the burial is not banned, whereas only the burning of the dead bodies are prevented, on the request made by the public at large. There is an existing compound wall around the Vanuvampet burial ground.

4. In view of the submissions made in the counter affidavit, the instant writ petition is dismissed. No costs. However, the Zonal Officer, Zone - 12, Chennai Corporation, respondent No.4, is directed to remove all the garbage and other materials dumped inside the burial ground situated in S.No.265/5, New T.S.No.31 of an extent of 2450 sq.mtrs. [26,373, sq.ft.) in Adambakkam Village, Alandur Taluk, Chennai District. Respondent No.4 is further directed to cut and remove all bushes, within one week from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ars/dm

To

1. The District Collector,
Chennai District,
Chennai.

2. The Tahsildar,
Alandur Taluk, Chennai District.

3. The Commissioner,
Greater Chennai Corporation,
Chennai - 3.

4. The Zonal Officer,
Corporation of Chennai,
Zone-12, Ward 165,
Vanuvampet, Chennai - 91.

+1cc to Mr.K.Soundara Rajan , Advocate SR.75950

+1cc to the Government Pleader SR.76248

W.P.No.24575 of 2019

SV(CO)

CB(23/10/2019)