

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM:

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

W.P.No.11000 of 2017

and

WMP No.11968 of 2017

1. Dhinesh
2. Sudhakar S.
3. Arumugam K.
4. Ranjini S.
5. Saravanan P.

... Petitioners

Vs

1. The State of Tamilnadu,  
represented by the District Collector,  
Vellore District, Vellore.

2. Thuthipattu Panchayat Union,  
represented by its Special Officer,  
Vellore District.

3. The District Environment Engineer,  
Tamil Nadu Pollution Control Board,  
Vellore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a writ of mandamus, forbearing the respondents herein from setting up of a Burial / Cremation ground or allowing human bodies to be buried or cremated or for any other means that will cause land and water pollution to in or around the water body classified as 'Govt. Lake' in Survey No.157/1A in Thuthipattu Village in Vellore District and its adjoining areas including using it as a dump yard for storing or disposing solid waste or medical waste therein and prevent such acts of burial / cremation of dead bodies.

|                 |                                                    |
|-----------------|----------------------------------------------------|
| For Petitioners | : Mr.S.Raghunathan                                 |
| For Respondents | : Mr.E.Manoharan,<br>Additional Government Pleader |

## O R D E R

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

Claiming to be public interest litigants, petitioners, all residents of Kumaran Nagar, Thuthipattu Village, have filed the instant writ petition for issuance of a writ of mandamus, forbearing the respondents herein viz., (i) District Collector, Vellore, (ii) the Special Officer, Thuthipattu Panchayat Union, Vellore and (iii) the District Environmental Engineer, Tamil Nadu Pollution Control Board, Vellore, from setting up of a Burial / Cremation ground or allowing human bodies to be buried or cremated or for any other means that will cause land and water pollution to, in or around the water body classified as 'Govt. Lake' in Survey No.157/1A in Thuthipattu Village in Vellore District and its adjoining areas, including using it as a dump yard for storing or disposing solid waste or medical waste therein and prevent such acts of burial / cremation of dead bodies.

2. According to the petitioners, the respondents intend to set up a burial ground in Survey No.157/1A, which is very close to the petitioners' lands in Survey Nos.173/3, 173/3a1b, 173/3, 173/12 and 173/24, wherein petitioners have constructed residential houses.

3. According to the petitioner, the lands in Survey No.157/1A have been classified as a water body. The main source of water for the residents living in and around the said village for the purposes of drinking, domestic consumption and for agricultural activities is derived from Thuthipattu Lake, which is comprised in Survey No.157/1A. Said lake has been classified as Government Lake, as per the revenue and government records maintained by the Registration Department of Government of Tamil Nadu.

4. According to the petitioners, in and around the year 2014, the petitioners and residents of Thuthipattu village had reliably learnt that the Village Panchayat and other authorities had proposed to set up a burial ground in a portion of the said Lake, adjacent to the residence of the petitions and other residents living in the said area. Upon receipt of such information, residents submitted a Monday Petition before the District Collector, Vellore, the 1st respondent herein. In addition to the above, the 1st petitioner has submitted an Online Petition dated 02.11.2016, bearing Petition No.VT/16/15401, to the Vellore District Grievance Cell stating that the burial of dead bodies should not be done in the said lake, which is the primary source of water for the residents

living around the said village and requested the authorities concerned to take immediate action against such act. Further, the 1st petitioner, representing others, has filed Petitions bearings Nos.2016/899350/AW and 2017/905575/IE on 03.11.2016 and 16.01.2017, respectively, before the Chief Minister's Cell. Petitioners have contended that despite objections made and voice raised against, burial of few bodies, around the said lake took place.

5. According to the petitioner, burial of bodies in and around the area comprised of water body and residential dwellings, raise severe public health concerns, poses adversities, especially during times, when there is heavy rain fall after a monsoon, leading to the threat of corpses / un-decomposed remains floating in the water and being washed away around the water bed.

6. For the abovesaid reasons, petitioners have filed the instant public interest writ petition.

7. On 10.07.2019, when the matter came up for hearing, we passed the following order.

"Petitioner has sought for a mandamus, forbearing the respondents herein from setting up for a burial / cremation ground or allowing human bodies to be buried or cremated or for any other means that will cause land and water pollution to in or around the water body classified as Government Lake in Survey No.157/1A in Thuthipattu Village in Vellore District and its adjoining areas including using it as a dump yard for storing or disposing solid waster or medical waster therein and prevent such acts of burial / cremation of dead bodies.

2. Prime contention is that a part of S.No.157/1A classified as Government Lake in Thuthipattu Village, Vellore District, is being used as a burial / cremation ground.

3. Therefore, Mr.E.Manoharan, learned Additional Government Pleader is directed to get instructions on the prayer sought for and the supporting affidavit.

4. Post on 16.07.2019, in the motion list."

8. Today, when the matter came up for further hearing, on instructions from the Executive Engineer, WRD, Upper Palar Basin Division, Vellore, in Lr.No.FA2/Court Case/2019 dated 22.07.2019, Mr.E.Manoharan, learned Additional Government Pleader submitted that,

(i) the lake called "Thuthipattu lake is situated in Survey Number 157/1A and Village Number.114, Thuthipattu Village, Vellore Taluk in Vellore District, is under the maintenance of the Public Works Department. Petition mentioned location for cremation and burial is away from the water spread area i.e. upper portion of the lake area (called foreshore area) which is mentioned in the Village map and adjoining to the land S.No.173/3, 174/3a,b, 173/3, 173/12 and 173/24. A drainage channel called "Malaikanar" run between the proposed cremation and burial land and patta land.

(ii) No cremation and burial activities have been done in the area mentioned by the petitioner. Also recently a pond has been formed at the place by the Panchayat Union under "The Mahatma Gandhi National Rural Employment Guarantee Schemes"(100 days work) Scheme. The Thuthipattu lake is not a dumping yard, there is no domestic garbage or medical waste or disposing solid waste dumped in lake

(iii) The Executive Engineer, WRD, Upper Palar Basin Division, Vellore, has inspected the Thuthipattu Lake on 20.07.2019. There is no activities such as cremation of dead bodies, dumping yard for storing or disposing solid waste or medical waste.

9. Executive Engineer, WRD, Upper Palar Basin Division, Vellore, has also enclosed the area map and photographs of the area.

10. Sketch and photographs submitted by the Executive Engineer, WRD, Upper Palar Basin Division, Vellore, are treated as part of the record.

11. Placing on record the submission of the learned Additional Government Pleader, no directions, need be issued and the writ petition is disposed of. No Costs. Consequently, the connected writ miscellaneous petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,  
State of Tamilnadu,  
Vellore District, Vellore.

2. The Special Officer,  
Thuthipattu Panchayat Union,  
Vellore District.

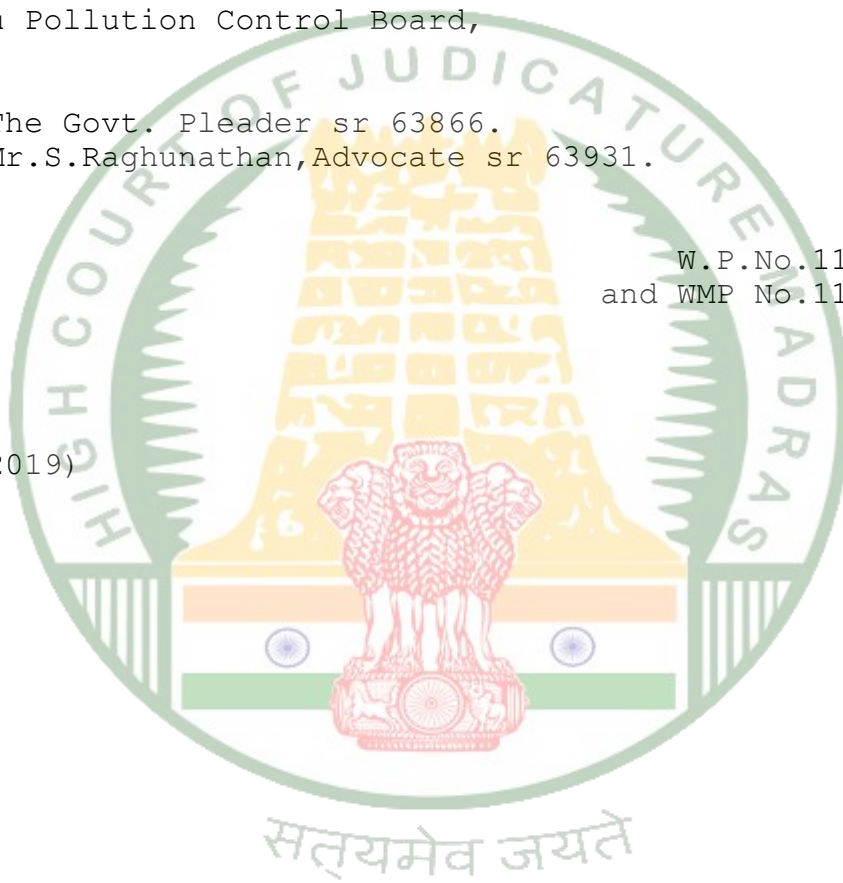
3. The District Environment Engineer,  
Tamil Nadu Pollution Control Board,  
Vellore.

+1 CC to The Govt. Pleader sr 63866.

+1 CC to Mr.S.Raghunathan, Advocate sr 63931.

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PA (CO)  
SP (04/09/2019)



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