

**CMs-16563-16564-CWP-2018 and
CWP-24990-2018**

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CMs-16563-16564-CWP-2018 and
CWP-24990-2018.
Decided on: January 10, 2019.**

Rajesh and others

.. Petitioners

VERSUS

State of Haryana and others.

.. Respondents

*** * ***

**CORAM: HON'BLE MR.JUSTICE JASWANT SINGH
HON'BLE MR.JUSTICE ARUN KUMAR TYAGI**

*** * ***

**PRESENT Mr.Anil Rathee, Advocate,
for the petitioners.**

Mr.Arun Beniwal, DAG, Haryana.

JASWANT SINGH, J. (ORAL)

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Both the misc. applications are allowed.

**Annexures P10 to P13 (Colly), are permitted to be taken
on record and exemption from filing certified copies of the same is also
granted.**

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The petitioners are residents of village Mohammadpur Jharsa, which has now come within the area of extended Municipal Corporation, Gurugram, and thereby included in Ward No.24.

By filing the instant writ petition, they have laid challenge to order dated 10.4.2018, Annexure P4, passed by the Commissioner, Municipal Corporation, Gurugram, in compliance of the directions passed by this Court vide order dated 1.2.2018, in a writ petition bearing CWP No.2116 of 2018, regarding the claim of shifting of existing cremation ground in Khasra No.24//22/2, 23, to another suggested site comprised in Khasra No.21//22 (8-0).

Since the prayer for shifting has been declined vide impugned order dated 10.4.2018 (Annexure P4), the petitioners, in sum and substance, are insisting upon the shifting of the site of the existing cremation ground to the aforesaid Khasra No.21//22 (8-0).

After hearing the counsel for the petitioners at length, we find no ground to interfere with the impugned order. The Commissioner, Municipal Corporation, Gurugram, upon inspection at the spot and examining every aspect has rejected the claim for the reasons stated in the order which appear to be genuine and reasonable so as to satisfy the judicial scrutiny. However, it has been acknowledged in para 7 of the order itself that the design and internal landscape of the said cremation ground needs to be developed so as to make it more functional and convenient.

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Para 7 of the order reads as under: -

“In the instant case, the design and internal landscape of the cremation ground is at its worst and it needs improvement throughout architectural and engineering intervention so that it can be accommodated within the existing set up. Municipal Corporation, Gurugram, may undertake to improve the design and internal landscape of the existing cremation ground, if requested so by the petitioners.”

In view of aforesaid observations, we deem it expedient to direct the Commissioner, Municipal Corporation, Gurugram, to undertake the functional improvement of the existing cremation ground so as to avoid the inconvenience to the residents of the area. The Commissioner, Municipal Corporation, Gurugram, is further directed to take steps and ensure the completion of the development of the existing site of the cremation ground within a period of 6 months from today. It is also noticed that there may be some unauthorised occupants of the area earmarked as cremation ground in the consolidation scheme, therefore, steps may also be taken to remove the encroachments over that area.

The writ petition is disposed of with the aforesaid directions.

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The compliance report by the Commissioner, Municipal Corporation, Gurugram, be filed before this Court on or before 31.7.2019.

**(JASWANT SINGH)
JUDGE**

**January 10, 2019.
raj arora**

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No