



constructions of the new additional approaching Cemetery Ground.

For Petitioner : Mr.P.Murugadasan
For Respondents : Mr.P.Subbaraj,
Counsel for State
for R1 to R4
Mr.K.S.Selvaganesan for R5

WEB COPY

O R D E R

The petitioner seek to prevent the grant of license for the construction of a cemetery at Re-Survey No.51 of Kulamangalam to Madurai Panchayat Union main road.

2. The petitioners state that resurvey No.51 of Kulamangalam to Madurai Panchayat Union main road is on the western boundary of their properties. According to the petitioner, Kulamangalam Village Panchayat already had four burial grounds and that the proposed burial ground is within one and half kilometre radius from already existing burial grounds. In addition, the petitioner alleges that the proposed new burial ground is within the prohibited 90 metres radius from residential buildings, a church and a commercial building. On such basis, it is alleged that Rule 7(1) off the Tamil Nadu Village Panchayats (Provision of burial and burning grounds) Rules, 1999 is violated.

3. On the contrary, Mr.P.Subbaraj, learned counsel for the State, and Mr.K.S.Selvaganesan, learned Government Advocate for the fifth respondent refute the aforesaid allegations. They contend that the proposed burial ground is not within the he prohibited distance of either a dwelling place, a drinking water source or the like.

4. From the aforesaid submissions, it is clear that disputed questions of fact particularly in relation to whether the proposed burial ground is within the prohibited distance from dwelling houses or drinking water sources is involved in the present matter. Such disputed questions of fact cannot be conveniently address in this proceeding. Nonetheless, since a representation dated 24.06.2021 is already pending before the first respondent, the said first respondent is directed pending before the first respondent, the said first respondent is directed to consider such representation by taking into account the Tamil Nadu Village Panchayats (Provision of burial and burning grounds) Rules, 1999 and dispose of the same by a reasoned order after providing a reasonable opportunity of hearing both to the petitioners and to any others affected thereby. Such reasoned order shall be passed within a period of one month from the date of receipt of a copy of this order.

5. W.P(MD).No.11159 of 2021 is disposed of on these terms

<https://hcservices.ecourts.gov.in/hcservices/>



without any order as to costs. Consequently, W.M.P(MD).No.8741 of 2021 is closed.

Sd/-

Assistant Registrar (CS II)

WEB COPY // True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1. The District Collector,
(Chairman-District Rural Development Agency),
Madurai District Collectorate,
Madurai, Tamilnadu - 625 020.
2. The Project Director,
District Rural Development Agency,
Madurai District Collectorate Premises,
Madurai, Tamilnadu - 625 020.
3. The Assistant Director (Panchayat),
District Rural Development Agency,
Madurai District Collectorate Premises,
Madurai, Tamilnadu - 625 020.
4. The Thasildar,
Madurai North Taluk,
Madurai District Collectorate Premises,
Madurai, Tamilnadu - 625 020.
5. The Block Development Officer,
Madurai West Panchayat Union,
Madurai West Block Office,
Thallakulam, Madurai,
Tamilnadu-625 002.

+2 CC to M/s.P.MURUGADASAN, Advocate (SR-25198[F] dated 04/08/2021)

+1 CC to M/s.GP (SR-25167[F] dated 04/08/2021)

W.P. (MD)No.11159 of 2021

03.08.2021

MGJ(12.08.2021) 3P 9C