



W.P.No.1267 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.1267 of 2023

&

W.M.P.Nos.1285 and 1286 of 2023

1.A.Tamilarasan

2.Mahadevan

3.S.Kalaiselvan

... Petitioners

Vs.

1. Union of India represented by
The Chief Secretary to Government
Government of Puducherry
Chief Secretariat
Puducherry-605 001

2.The District Collector-cum-Secretary
to Government (LAD)
Office of the District Collector
I Floor, New Collectorate Building
Vazhudavoor Road, Pettaiyanchathiram
Puducherry-605 009

3.The Project Director
District Rural Development Agency
2nd floor, Housing Board complex
Anna Nagar, Puducherry-605 005



W.P.No.1267 of 2023

4.The Under Secretary to Government (Power)
Industrial Development (Power) Department
Government of Puducherry
Chief Secretariat
Puducherry-605 001

5.The Director
Local Administration Department
Puducherry

6.The Commissioner
Bahour Commune Panchayat
Bahour,
Puducherry-605 402

7.The Superintending Engineer
Electricity Department
Puducherry.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents to consider and take appropriate action on the representations dated 26.12.2022 submitted by the petitioners thereby to drop the proposal for establishing crematorium/burial ground in R.S.No.14/3B, Mathikrishnapuram village, Utchimedu Revenue Village, Bahour, Puducherry.

For Petitioners : Mr.Prakash Adiapadam

For Respondents : Mr.Nirmal Kumar, AGP for R1 to 6

Mr.D.Ravichander for interested parties



W.P.No.1267 of 2023

ORDER

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This writ petition has been filed seeking to issue a Writ of mandamus directing the respondents to consider and take appropriate action on the representations dated 26.12.2022 submitted by the petitioners thereby to drop the proposal for establishing crematorium/burial ground in R.S.No.14/3B, Mathikrishnapuram village, Utchimedu Revenue Village, Bahour, Puducherry.

2. The main grievance of the petitioners are that establishing the cremation ground near their place would cause serious loss to them. Further, it is the contention of the learned counsel for the petitioners that earlier three places have been identified. While identifying the Government has spent about 12 lakhs. Now the subject land has been identified to satisfy some third parties. Therefore, it is his contention that their representation has to be considered.

3. Mr. Nirmal Kumar, learned Additional Government Pleader, takes notice for the respondents and submits that G.O has been passed on 13.09.2022, wherein the land belonging the Electricity Department has



W.P.No.1267 of 2023

been transferred to the Government for establishing the crematorium and

on 12.01.2023 the DTCP has given No objection certificate. Similarly, Pollution Control Board has given No objection Certificate in the year 2022 and Police also has given No objection for constructing the crematorium.

4. When the land has been identified at the request of the villagers for their benefit and Government has passed necessary orders, as a matter of right the petitioners cannot stall such proceedings mainly on the ground that they have their neighbouring lands.

5. As rightly pointed by the learned counsel for the petitioner, they have filed the Writ Petition to consider their representation. Unless and until there is any violation of rules has been established, the Writ Petition cannot be maintained as a matter of right. The petitioners have not established their legal right to challenge in establishing the crematorium.

6. In such view of the matter, this Court do not find any merits in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.



W.P.No.1267 of 2023

Consequently, connected Writ Miscellaneous Petitions are closed.

WEB COPY

19.01.2023

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Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No



W.P.No.1267 of 2023

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