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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.11803 of 2023

V.Harish

Petitioner

vs.

1.The District Collector,
Krishnagiri District.

2.The Tahsildar,
Hosur Taluka, Krishnagiri District.

3.The Assistant Executive Engineer,
WRO, PWD, Hosur, Krishnagiri District.

4.The Commissioner,
Hosur Municipal Corporation,
Hosur, Krishnagiri District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent to initiate action on the representation of the petitioner dated 25.03.2022 to avoid creating any new burial ground on the banks of the river Avalapalli village Survey No. 321 / 2 and 334 on Avalapalli - Hosur Road , Avalapalli Village, Hosur Taluka, Krishnagiri District within the time frame to be fixed by this Court.

For Petitioner : Mr.G.M.Ananthakumar

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

**ORDER**

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This writ petition has been filed by the resident of Avalapalli Village for a direction to the 4th respondent to act upon the representation made by the petitioner on 25.03.2022, wherein, the petitioner has requested the respondents not to create a new burial ground in S.Nos.321/2 and 334 which have been categorized in the revenue record as “River”.

2.Heard Mr.G.M.Ananthakumar, learned counsel appearing on behalf of the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that he is having agricultural lands near the Pennaiyar River at Avalapalli Village. The main source of water for the persons residing in the village is only from this river both for consumption and irrigation. The petitioner found that steps are being taken to create a burial ground in S.Nos.321/2 and 334 at Avalapalli Village. For this purpose, the river bund was damaged and inspite of the complaints made by the villagers, attempts were made to create a burial ground. Aggrieved by the same, the petitioner also made a representation to the respondents on 25.03.2022, requesting the respondents not to take any steps to convert the water body into a burial ground. Since the same did not evoke any response, the present writ petition has been filed before this Court.



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4. In the considered view of this Court, S.Nos.321/2 and 334 in Avalapalli village has been categorized as a “River” in the revenue records. It is not known as to how a burial ground can be created in a water body. Such creation of burial ground will completely pollute the river and it will cause undue hardship to the villagers. That apart, it was also brought to the notice of this Court that regular floods takes place during heavy rain and it had already happened in the year 2016 and 2019 respectively. In view of the same, the respondents will have to necessarily deal with the representation made by the petitioner and take a decision. Taking hasty decision and creating new burial ground in a place which is not designated for the same will only cause unnecessary problems in the village.

5. In the light of the above discussion, there shall be a direction to the 4th respondent to deal with the representation made by the petitioner on 25.03.2022 and take a decision and if the property over which the burial ground is sought to be created is a water body, an alternative place shall be chosen in the interest of the villagers and in order to preserve the river water. A decision shall be taken in this regard, within a period of three months from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 4th respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the 1st and 2nd respondents.



N. ANAND VENKATESH, J.

SSR

6. This writ petition is disposed of with the above directions. No Costs.

19.04.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
SSR

To

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