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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.11290 of 2023
and W.M.P No.11172 of 2023

J.Elayaraja

Petitioner

vs.

The Commissioner
Tambaram Corporation,
28, Muthuranga Mudali Street,
Tambaram West, Chennai – 600 045.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in Notice No.01 on the file for the respondent date 21.03.2023 and quash the same as illegal.

For Petitioner : Mr.T.M.Mano

For Respondent : Mr.P.Srinivas
Standing Counsel

ORDER

The subject matter of challenge in the present writ petition pertains to the notice issued by the respondent dated 21.03.2023 stopping the cremation of the dead

bodies in T.S.No.51.



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2.The petitioner is a resident of Old Pallavaram. According to the petitioner, Ward No.17, Murugesapuram Periyar Street was originally a licensed burial ground earmarked by the Government for an extent of 3.56 acres. This was comprised in S.Nos.30/C and 28/5 at Pallavaram Taluk. The further case of the petitioner is that this burial ground has been in use for more than 50 years. It is stated that many persons had encroached upon this place that was earmarked as a burial ground and thereafter, complaints were given as if the residents are being affected due to the smoke emanated after the cremation of the dead bodies.

3.The grievance of the petitioner is that the respondents straight away issued the impugned notice under Section 407 (a) of the Tambaram City Municipal Corporation Act, 2021 stating that complaints were received from the residents and hence, the continuation of the burial ground in the said place will be against the public interest and hence, directed that no cremation should be carried out in the burial ground. Aggrieved by the same, the present writ petition has been filed before this Court.

4.Heard Mr.T.M.Mano, learned counsel appearing on behalf of the petitioner and Mr.P.Srinivas, learned Standing Counsel appearing on behalf of the respondent.



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5. It is seen from records that T.S.No.51 where the so-called burial ground is situated has been categorized as a Government poramboke land. There are nearly 200 families in which more than 1000 persons are living in and around this place. It is true that this place used to be utilized as a burial ground sometime back. However, due to the increase in population and the number of persons, who have started living in and around this place, the cremation of dead bodies is causing lot of pollution resulting in health hazard to the nearby residents. This was taken into consideration by the respondent and a direction was given prohibiting the usage of the place as a burial ground. It is also apparent from the notice that there is a cremation ground that is available one and half kilometers from this place. It is also brought to the notice of this Court that originally there were 19 cremation grounds at Pallavaram and presently, there are four gas crematoriums. It is therefore clear that the Corporation is attempting to have designated places as cremation grounds/burial grounds, so that, the inconvenience caused to the nearby residents is avoided and not every place is permitted to be used as a cremation ground/burial ground. The decision has been taken in public interest and therefore, this Court is not inclined to interfere with the impugned notice dated 21.03.2023 issued by the respondents. When there is a proper cremation ground available nearby, this Court does not find any ground to interfere with the decision taken by the respondent Corporation.



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N. ANAND VENKATESH, J.

SSR

6. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

13.04.2023

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

To

The Commissioner
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28, Muthuranga Mudali Street,
Tambaram West, Chennai – 600 045.

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