



W.P.No.34163 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.34163 of 2018

C.Rajendra Prasad

.. Petitioner

Vs.

1. The Commissioner
Coimbatore Corporation
Coimbatore 641 001.
2. The District Collector
Coimbatore
Coimbatore 641 018.
3. The District Environmental Engineer
Coimbatore South
Plot E-55A, SIDCO Industrial Estate
Pollachi Main Road
Kurichi, Coimbatore 641 021.
4. The Secretary
Coimbatore Arya Vysya Samajam
Rep. By its General Secretary
No.73, Vysial Street
Coimbatore 600 001.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 3 from allowing any constructing of crematorium in Survey No.620/1 and 620/2 of Kuniamuthur Village, Coimbatore District by the fourth respondent.

For the Petitioner : Mr.R.N.Amarnath

For the Respondents : Mr.K.Mahesh
for Respondent-1

K.M.D.Muhilan
Additional Government Pleader
for Respondent-2

Mrs.Shanmugavalli Sekar
for Respondent-3

Mr.M.Ramamoorthi
For Mr.M.Dinesh
for Respondent-4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.N.Amarnath, learned counsel for the petitioner, Mr.K.Mahesh, learned counsel for the first respondent, K.M.D.Muhilan, learned Additional Government Pleader for the second respondent, Mrs.Shanmugavalli Sekar, learned counsel for the



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third respondent and Mr.M.Ramamoorthi, learned counsel for Mr.M.Dinesh, learned counsel for the fourth respondent.

2. The petitioner seeks a direction against the respondents 1 to 3 to restrain the fourth respondent from constructing crematorium in S.No.620/1 and 620/2 of Kuniamuthur Village, Coimbatore District.

3. Learned counsel for the petitioner submits that the said area is near the river and no permission of Tamil Nadu Pollution Control Board has been obtained. So also, no permission of the planning authority has been obtained.

4. Learned counsel for the first respondent submits that the permission of the planning authority has been obtained after filing of this writ petition.

5. Learned counsel for the fourth respondent submits that the area in question is being used as crematorium/burial ground since 1977 and now, it is only converted as a gasifier. He submits that the



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fourth respondent has applied to the Tamil Nadu Pollution Control Board. In view of the status quo order, the application has not yet been processed.

6. We may not go into other details. If a particular land is to be used as burial ground, then, the Act provides for necessary safeguards and permissions.

7. Needless to state that the burial ground/crematorium cannot run without necessary permission and license. The application is filed by the fourth respondent with the Tamil Nadu Pollution Control Board. The Board shall process the said application and take a decision on its own merits and as per law.

8. It is made clear that only after obtaining permission from all the authorities concerned, the fourth respondent would use the gasifier.

9. The respondent authorities may also consider the feasibility



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of the writ land for the purpose of burial ground.

10. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.39695 of 2018 and 944 of 2020 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

25.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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