



W.P.(MD)No.15540 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15540 of 2021

and

W.M.P.(MD).No.12463 of 2021

Jwalaa Equipment and Consultant,
No.1, T.Andipatti Village and Post,
Dindigul High Road, Vadipatty Taluk,
Madurai – 625 218
Through its Proprietor,
G.Thirumurugan.

... Petitioner

Vs

The Commissioner,
Madurai City Municipal Corporation,
Madurai -625 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to issue the work order for operation and maintenance of Gasifier Crematorium Unit - II at Thathaneri Burial Ground, Madurai, by considering the petitioner's representations dated 18.06.2021, 16.08.2021 and 20.08.2021 forthwith and consequently directing the respondent to disburse the arrears for the cremated dead bodies at the rate of Rs.900/- per body from 30.04.2021 to till date.

For Petitioner : Mr.J.Parekhkumar

For Respondent : Mr.K.Sivabalan,
Standing Counsel



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ORDER

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This Writ Petition has been filed for the issue of writ of mandamus directing the respondent Corporation to issue work order for operation and maintenance of the Gasifier Crematorium Unit-II and consequently directing the respondents to disburse the arrears of amount that is due and payable for the crematorium of the dead bodies that was undertaken by the petitioner from 30.04.2021.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent Corporation.

3. The case of the petitioner is that they are registered under the Ministry of Micro, Small and Medium Enterprises (MSME). The petitioner provided for modern crematoriums and they had successfully completed its first project of erecting the Gasifier Crematorium at Madurai. During the pandemic period, the petitioner was also taking steps to erect one more additional Gasifier Crematorium at Madurai. The petitioner commenced the work and also completed this Unit at Thathaneri burial ground.

4. The further case of the petitioner is that after the completion of the Gasifier Crematorium Unit-II, the petitioner made a representation on 12.01.2021 to the respondent Corporation to the effect that they are willing to



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run the unit. The petitioner also started running the unit from 30.04.2021 onwards. During the pandemic period, the petitioner had cremated nearly 1200 dead bodies in the Unit-II since 30.04.2021. The grievance expressed by the petitioner is that the respondent Corporation had paid only for 225 dead bodies that were cremated at the rate Rs.900/- (Rupees Nine Hundred only) per body and the balance amount was not paid. That apart, the petitioner had also made representations to the Corporation to issue work order for the operation of Unit-II at Thathaneri burial ground and this was not considered. In view of the same, the present Writ Petition was filed before this Court seeking for proper directions.

5. Insofar as the first portion of the relief sought for by the petitioner for a direction to the respondent Corporation to issue work order for operation and maintenance of Gasifier Crematorium Unit -II is concerned, the said relief cannot be granted by this Court, since the Corporation has handed over the Unit-II to some other party. Hence, only the second portion of the relief sought for by the petitioner requires consideration of this Court.

6. The specific case of the petitioner is that they had successfully cremated about 1200 dead bodies through Unit-II since 30.04.2021 and that they have been paid for only 225 bodies at the rate of Rs.900/- (Rupees Nine Hundred only) per dead bodies. Therefore, the petitioner is seeking for the



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payment of arrears with respect to the remaining dead bodies that were cremated at Unit-II. This request made by the petitioner has to be necessarily considered by the respondent Corporation and the arrears amount must be paid to the petitioner within a time frame fixed by this Court.

7. In view of the above, there shall be a direction to the petitioner to make a fresh representation to the respondent Corporation by giving all the particulars with the necessary materials and claim for the arrears of amount payable by the respondent Corporation towards the cremation of the dead bodies at Unit-II. The respondent Corporation on receipt of the same shall deal with the representation and pay the arrears of amount, if any, to the petitioner within a period of eight (8) weeks from the date of the representation from the petitioner. It goes without saying that the respondent Corporation shall take into consideration the materials placed by the petitioner and also the records maintained by the respondent Corporation while undertaking this exercise.

8. This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

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NCC:yes/no

Index:yes/no

Internet:yes/no

tsg



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N.ANAND VENKATESH, J.

tsg

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