



W.P(MD)No.29291 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

W.P(MD)No.29291 of 2023
and
W.M.P(MD)No.25306 of 2023

M.Babuseit @ Mohammed Maideen

.. Petitioner

VS

1.The Director of Town Panchayats,
Office of the Directorate of Town Panchayats,
Chennai.

2.The District Collector,
Office of the District Collector,
Dindigul,
Dindigul District.

3.The Municipal Executive Officer,
Office of the Municipal Executive Office,
Vedasandur,
Dindigul District.

4.The Tashildar,
Office of the Tashildar,
Vedasandur,
Dindigul District.

.. Respondents



W.P(MD)No.29291 of 2023

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent No.1 to take appropriate action based upon the petitioner's representation dated 30.11.2023 within the time stipulated by this Court.

For Petitioner : Mr.S.Nihar Ali

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

[Order of the Court was made by M.SUNDAR, J.]

Captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed in this Court on 06.12.2023 as a 'Public Interest Litigation' [hereinafter 'PIL' for the sake of brevity and clarity].

2.Factual matrix in a nutshell is that subject matter pertains to an 'electric crematorium in Survey No.687/2 in 20 Vendasandur Village in Dindigul District' [hereinafter 'said land' for the sake of convenience and clarity]; that an electric crematorium is to be set up in said land and that is being objected to; that PIL petitioner claims to espouse the cause of the local populace / citizenry; that PIL petitioner



W.P(MD)No.29291 of 2023

has sent a representation dated 30.11.2023 [hereinafter 'said representation' for the sake of convenience and clarity] in this regard to the respondents; that captioned WP ie., captioned PIL WP has been filed with a Mandamus prayer qua said representation.

3.Mr.S.Nihar Ali, learned counsel on record for WP petitioner, reiterated the aforesaid facts.

4.Issue notice.

5.Mr.P.Thilak Kumar, learned Government Pleader, accepts notice for all four respondents.

6.Learned Government Pleader submits on instructions that said land is classified as 'மதுரணி' as per revenue records and crematorium has been in existence for over half a century now and the existing crematorium is being converted into an electric crematorium owing to generic directions from Green Tribunal in the interest of ecology and environment. Revenue records qua said land has also been placed before us.



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W.P(MD)No.29291 of 2023

7.Owing to the limited scope of the captioned PIL WP, captioned main matter was taken up with consent of both sides.

8.After hearing both sides and after perusing the case file and revenue records, we are not inclined to entertain captioned WP and the reasons are as follows:

'(i) Said land has been classified as 'மயாண்டி' as per revenue records and there is no disputation or contestation in this regard;

(ii) A crematorium has been in existence for over 50 years ie., for over half a century in said land now;

(iii) An existing crematorium is being converted into a Gasifier crematorium taking into account the ecological and environmental factors and directives of Green Tribunal in this regard and therefore it is not a case of setting up a new crematorium; and



W.P(MD)No.29291 of 2023

(iv) Crematorium is imperative in larger public interest and as a crematorium has been in existence for over half a century, there cannot be a fresh objection now merely because existing conventional crematorium is now being converted into 'Liquified Petroleum Gas' (LPG) Gasifier crematorium.'

9.In the light of the narrative discussion and dispositive reasoning supra, captioned WP is dismissed. Consequently, connected Writ Miscellaneous Petition is also dismissed. We refrain from imposing costs.

[M.S.,J.] [R.S.V.,J.]
12.12.2023

Index : Yes
Neutral Citation : Yes
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