



W.P.No.10998 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.10998 of 2024

D.Rajaram

.. Petitioner

Vs.

1. The Secretary
Local Administration Department
Union Territory of Pondicherry.

2. The Director
Local Administration Department
Government of Puducherry
Suffren Street, Puducherry.

3. The Commissioner
Bahour Commune Panchayat
Bahour, Puducherry – 607 402.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the 1st respondent to implement the government order dated 21.01.2015 made in G.O.Ms.No.4 Department of Revenue and Disaster Management, Puducherry, on the file of the 1st respondent herein, to establish the burial and cremation ground in R.S. No 115 / 2 (part) of 80-Utchimedu Revenue Village, bahour Commune, Pondicherry Union Territory, to an



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extent of 1 Cane (kani) was handed over to the Local Administration, pondicherry, for the purposes of burial ground to be maintained by Bahour commune and to complete the establishment of the burial and cremation ground within a time frame as may be fixed by this Court consequently restrain 3rd respondent from initiating steps in R.S. No 14/3B at the premises adjoining of 230 / 110KV Bahour Auto Sub-Station measuring around 2600 mtrs for burial and cremation ground.

For the Petitioner : Mr.P.Veeraraghavan

For the Respondents : Mr.S.Ravee Kumar
Government Pleader (Puducherry)

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.P.Veeraraghavan, learned counsel for the petitioner and Mr.S.Ravee Kumar, learned Government Pleader (Puducherry) for the respondents.

2. The present writ petition is filed to implement the Government Order dated 21.01.2015, that is to establish a burial ground and a crematorium in R.S.No.115/2 (part) of 80-Utchimedu Revenue Village.

3. It is contended that public notice was issued for construction of a crematorium and burial ground in the land in R.S.No.115/2, however, without any public notice, construction is now sought to be



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carried out in R.S.No.14/3B, Mathikrishnapuram Village. The same is illegal. No public notice has been issued prior to carrying out construction on the said land in R.S.No.14/3B. A representation has been given by the villagers to establish a burial ground and a crematorium in the land in R.S.No.115/2.

4. Learned Government Pleader (Puducherry) points out the order passed by the learned Single Judge of this court in W.P.No.1267 of 2023. Some of the villagers have filed the said writ petition seeking directions to drop the proposal for establishing crematorium/burial ground in the land in R.S.No.14/3B, Mathikrishnapuram Village. The learned Single Judge dismissed the writ petition under the judgment and order dated 19.01.2023.

5. The learned Government Pleader (Puducherry) further submits that the construction of the crematorium is almost complete in the land in R.S.No.14/3B, Mathikrishnapuram Village and a Government Order is also issued on 30.09.2022. In the land in R.S.No.115/2, there was water logging up to 2 feet. So a decision was taken to construct



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the crematorium and burial ground in the land in R.S.No.14/3B.

6. In light of the aforesaid facts, we do not find any merit in the present writ petition. The writ petition, as such, stands dismissed. There shall be no orders as to costs. Consequently, W.M.P.No.12081 of 2024 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

23.04.2024

Index : Yes/No
Neutral Citation : Yes/No

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