



WP No.47424 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.47424 of 2025
and WMP Nos.52938 and 52940 of 2025

1. C.Kandasamy
2. K.Elayaperumal
3. Valarmathi
4. C.Saravanan
5. Athi Ruba Sundari
6. Krishnamoorthy
7. Singaravadivel
8. Velsamy
9. N.Dhivya
- 10.V.Kathirvel

.. Petitioners

-VS-

1. The District Collector,
Namakkal District,
District Collectorate, Namakkal.
2. The Project Director,
Rural Development and Panchayat
Raj Department,
District Rural Development Office,
District Collectorate, Namakkal.



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3. The Block Development Officer,
Block Development Office,
Tiruchengode.
4. The District Environment Officer,
Tamil Nadu Pollution Control Board,
298-A, Salem Main Road,
Thiruvalluvar Nagar,
Kumarapalayam Taluk,
Namakkal District 638 183.
5. The Superintending Engineer (Civil),
Hydroelectric Project,
TANGEDCO, Erode.
6. The Executive Engineer,
Bhavani Kattalai Barrage – 3 Hydro
Electric Project, Solasiramani,
Tiruchengode Taluk, Namakkal District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from in any manner constructing and operating Gasifier Crematorium in Survey No.84/1 of Molasi Village, Tiruchengode Taluk, Namakkal District.

For Petitioners	:	Mr.S.Ramesh
For Respondents	:	Mr.K.Karthik Jagannath
	:	Govt. Advocate for RR 1 to 3
	:	Mr.V.Gunasekar
	:	Stdg. Counsel for R-4
	:	Mr.S.Kalaiselvam
	:	Stdg. Counsel for RR 5 and 6

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ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Despite dismissal of the writ petition filed earlier styled as public interest litigation, repeated petitions are being filed by different persons from the same village to somehow obstruct construction of a gasifier crematorium.

2. We had dismissed a writ petition on the same cause of action vide order dated 25.09.2025. Few enthusiastic villagers have again filed this writ petition knowing fully well that the earlier writ petition was dismissed by this Court.

3. Now new grounds are being raised firstly, that consent to operate is necessary under the provision of laws; secondly, that provision of Rule 5 of The Tamil Nadu Village Panchayat (Provision of burial and burial grounds) Rules, 1999, have not been followed; and thirdly, it is falling in submergence area.



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4. No provision of law or any document or notification has been placed before this Court to satisfy that for establishment of a gasifier crematorium, consent would be necessary.

4.1. Provision of Rule 5 of the aforesaid Rules would be attracted when a particular land is for the first time decided to be used as burial ground. We had already observed in earlier order that there is pre-existing cremation/burial ground.

4.2. The last submission that the area which is likely to be submerged, was also taken into consideration by this Court.

5. Therefore, this petition is nothing but an attempt to overcome the earlier order which was passed by this Court.

6. Petition, being a frivolous one, is dismissed with costs of Rs.25,000/- (Rupees twenty five thousand only) payable to Tamil Nadu Legal Services Authority within a period of one month.



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W.M.P.No.52938 of 2025 filed by the petitioners to permit them to join and file a single writ petition stands allowed, subject to payment of separate court fee. Consequently, the other interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
11.12.2025

Index : Yes/No
Neutral Citation : Yes/No

sra

To

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District Collectorate, Namakkal.
2. The Project Director,
Rural Development and Panchayat
Raj Department,
District Rural Development Office,
District Collectorate, Namakkal.
3. The Block Development Officer,
Block Development Office,
Tiruchengode.



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