



W.P. No.17148 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.06.2026

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CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.17148 of 2026

T.Mohan

..Petitioner(s)

Vs

1. The District Collector
Thiruallur District
Thiruvallur.
2. The Revenue Divisional Officer
Thiruvallur District
3. The Block Development Officer
Poondi Panchayat Union
Thiruvallur District
4. The Tahsildar
Uthukkottai Taluk
Uthukkottai
Thiruvallur District

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 1st respondent dated 26.08.2025 in Na.Ka.No. 3590428/2025/No.2 and quashing the same and further directing the respondents to issue license to the Cremation Ground in S.No. 101/13B, in No. 28 Velagapuram Village, Velagapuram Panchayat Poondi Panchayat Union, Uthukkottai Taluk, Thiruallur District



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For Petitioner : Mr.P. Raja
For Respondents : Mr.P. Siddarth
Government Counsel

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ORDER

This writ petition has been filed to impugn proceedings of the 1st respondent dated 26.08.2025 in Na.Ka.No. 3590428/2025/No.2 and quashing the same and further directing the respondents to issue license to the Cremation Ground in S.No. 101/13B, in No. 28 Velagapuram Village, Velagapuram Panchayat Poondi Panchayat Union, Uthukkottai Taluk, Thiruallur District.

2. It is stated that an extent of 0.20 cents in Survey No.101/13B had already been gifted to the Panchayat and the said land has been continuously used as a cremation ground for several decades by the villagers. According to the petitioner, the existing crematorium is fully functional and is being utilized by all sections of the village population. It is further stated that the 2nd respondent, by proceedings dated 06.08.2024, had directed implementation of the decisions taken in the Peace Committee Meeting concerning access and usage of the existing cremation ground. The issue relating to pathway access and usage of the crematorium had also been the subject matter of earlier proceedings before this Court, wherein appropriate directions were issued recognizing the existence and usage of the cremation ground in Survey No.101/13B. Further, it is averred that administrative sanction was granted on 22.05.2025 for formation of a road leading to the said cremation ground.



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3. It is the case of the petitioner that despite the existence of the crematorium in Survey No.101/13B, the 1st respondent issued the order dated 26.08.2025, which is impugned herein, proposing to establish another crematorium in Survey No.20/17. The petitioner as well other local residents have submitted detailed objections opposing the proposal on the ground that there already exists a cremation ground in Survey No.101/13B and that there was no necessity for establishment of another crematorium.

4. It is the grievance of the petitioner that objections were not properly considered and the impugned proceedings came to be passed mechanically. Aggrieved by the impugned order dated 26.08.2025 issued by the 1st respondent, this writ petition has been filed.

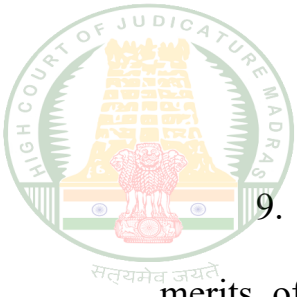
5. Learned counsel for the petitioner submitted that the 1st respondent without considering the existence of crematorium in S. No.101/13B, had issued sanction for establishment of another crematorium. Therefore, the impugned order dated 26.08.2025 was issued by the 1st respondent without application of mind and the same is illegal. Therefore, he prayed that interference of this Court is warranted and a direction to continue the usage of the existing cremation ground in Survey No.101/13B. In the light of the above, he prayed for issuance of appropriate directions.



6. Per contra, the learned Government Counsel appearing for the respondents submitted that the impugned proceedings have been issued by the 1st respondent after taking into consideration of the local requirements. He further submitted that the proposal for establishment of a crematorium in Survey No.20/17 is only a part of the administrative process and no prejudice would be caused to the petitioner. The respondents would further contend that the petitioner has an effective opportunity to place his objections before the 1st respondent and seek appropriate relief in accordance with law.

7. This Court has carefully considered the rival submissions made by learned counsel and perused the materials available on record.

8. It is not in dispute that a cremation ground is already in existence in Survey No.101/13B and that the same has been used by the villagers. The grievance of the petitioner is primarily that his objections to the proposal for establishment of a new crematorium in Survey No.20/17 have not been properly considered by the respondents. This Court is of the view that the question as to the necessity, feasibility and location of a crematorium are matters falling within the domain of the competent administrative authorities, who are required to take into consideration the objections and views of local residents and thereafter shall arrive at a decision.



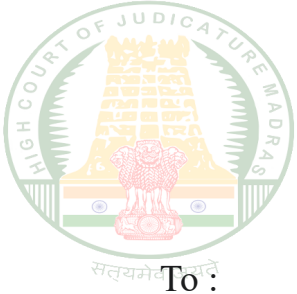
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9. In such view of the matter, without expressing any opinion on the merits of the claim made by either party and without interfering with the impugned order dated 26.08.2025 issued by the 1st respondent, this Court granting liberty to the petitioner to submit a fresh representation/objection before the 1st respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 1st respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all necessary parties and other factors viz., the existence and usage of the cremation ground in Survey No.101/13B.

10. With the above observations, the writ petition stands disposed of. No costs.

01.06.2026

Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No
vsi2



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M. DHANDAPANI, J.

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