

WWW.LIVELAW.IN

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.15001 of 2021

Venkatesan

... Petitioner

-vs-

- 1 The Principal Secretary
Adi -Dravidar and Tribal Welfare Department
Fort St.George chennai-600 009
- 2 The District collector
Cuddalore District
Cuddalore 607 001
- 3 The Superintendent of Police
Cuddalore District
Cuddalore-607 001
- 4 The Revenue Divisional officer
Virudhachalam Taluk
Cuddalore District
- 5 The Tahsildar
Thittakudi Taluk
Cuddalore District
- 6 The Inspector of police
Veppur police station
Cuddalore District

- 7 Anbalagan
 - 8 Kaathalingam Naidu
 - 9 Chakkaravarthy
 - 10 Natarajan
 - 11 Velayutham
 - 12 Radha
- ... Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 to 6 to take appropriate action to allot small portion of land in the corner of the common burial ground situated in Survey Nos.80, 79/11, 82 in Madhuravalli village for burying our people based on the representation of the petitioner dated 1.3.2021.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Ms.Amritha Ponkodi Dinakaran
Counsel for State
for respondents 1 to 6

* * * * *

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner complains of the failure of the official respondents to provide for a burial ground or area for cremation of the dead belonging to the petitioner's community at Madhuravalli Village, Thittakudi Taluk, Cuddalore District.

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2. The petitioner states that there is a common burial ground in Madhuravalli village at S.Nos.80, 79/11 and 82. Except persons belonging to the petitioner's community, all other communities are being permitted to bury their dead at the said burial ground. As a consequence, it is stated that members of the petitioner's community are being put to great hardship inasmuch as they are constrained to bury their dead at an adjacent waterbody.

3. In the circumstances, the petitioner states that multiple representations were submitted to the official respondents but that no action has been taken thereon. The petitioner further states that the existing burial ground admeasures more than 128 cents, and therefore a request was made to the official respondents to allot a small portion of land in the said survey numbers for use by members of the petitioner's community.

4. Ms.Amrita Ponkodi Dinakaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 6 and submits that the District Collector is the appropriate authority to consider and dispose of the petitioner's representation.

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5. The right to life also encompasses the right to a decent burial or cremation. Consequently, the State is clearly under an obligation to ensure that members of all communities are provided access to burial/cremation facilities.

6. Accordingly, the second respondent herein is directed to consider the representation dated 01.03.2021, which has been submitted on behalf of all members of the petitioner's community and dispose of the same by a reasoned order after taking into account the observations set out above. Such reasoned order shall be passed within a period of eight weeks from the date of receipt of a copy of this order after providing a reasonable opportunity of hearing to the petitioner and to all others affected thereby.

W.P.No.15001 of 2021 is disposed of without any order as to costs.

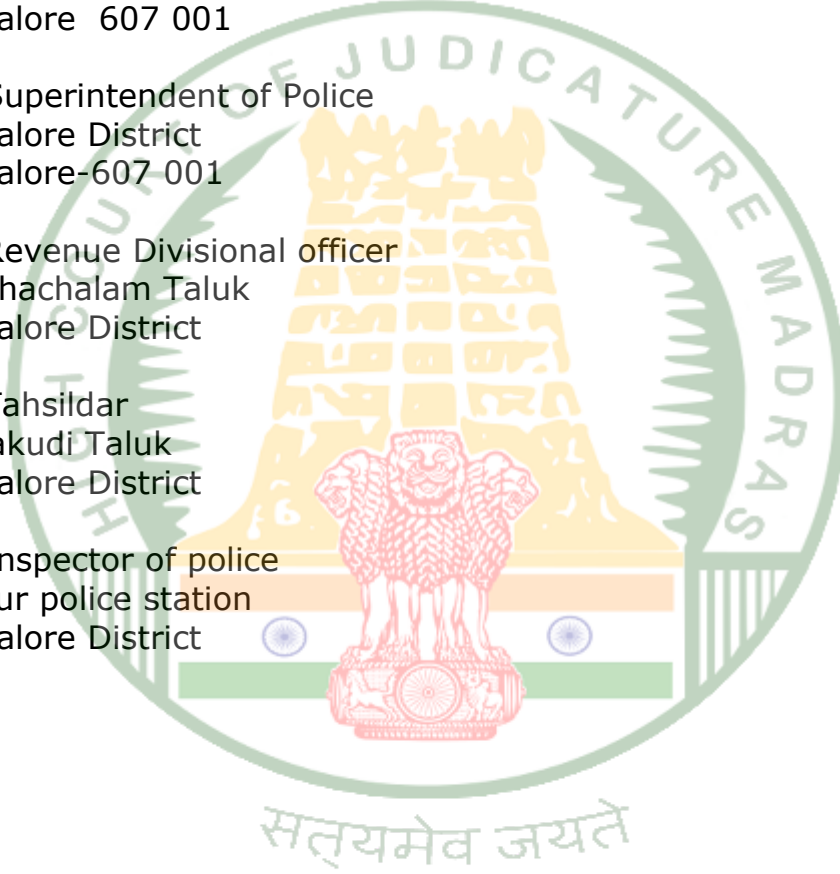
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22.07.2021

Index : yes/no
sra

To:

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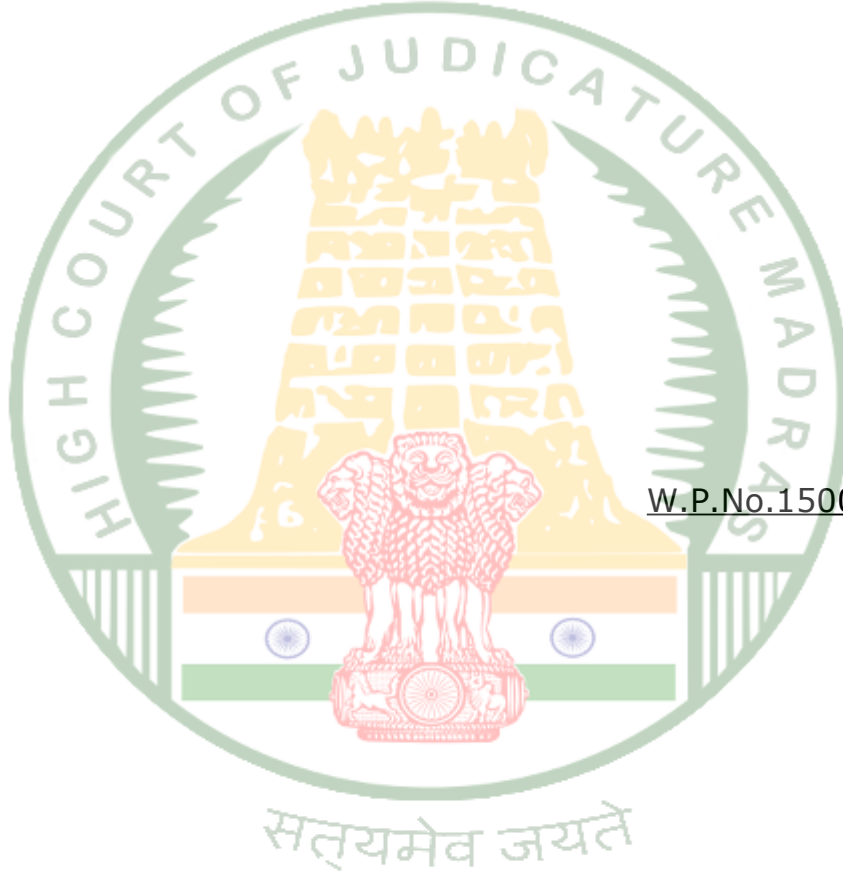
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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

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(sra)



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