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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3245/2020 & CM No. 11317/2020

GRAM SUDHAR SAMITI (REGD) & ANR Petitioners
Through: Mr. Anand Yadav, Ms. Anita Tomar and
Mr. Pradyuman Rao, Advs.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ANR. Respondents
Through: Mr. Sudhir Nandrajog, Sr. With Mr.
Mukesh Gupta, Adv. & Mr. J.P. Verma, Ex.
Engineer (Project), Mr. R.K. Jain, Asstt. Engineer
for R-1.
Mr. Naushad Ahmed Khan, ASC (Civil) with Ms.
Manish Chauhan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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16.06.2020

1. The hearing was conducted through video conferencing.
2. The respondent has not complied with the previous directions. An affidavit shall be filed before the next date of hearing, with the approval of the Deputy Commissioner of the Zone concerned, alongwith photographs apropos compliance of the directions. It is not to be reiterated that when any agency, in this case the Corporation, seeks to renovate or augment existing essential facilities for citizens, it should ensure that alternate arrangement are made so that the citizens are not deprived of the same during the

renovation/augmentation period. Two cremation platforms were available to the petitioners in their village. However, without making any alternate arrangements the said essential facility was demolished and the cremation ground has been taken over by the Corporation. Citizens have been put to inconvenience, especially in these pandemic times, when admittedly the incidence of mortality has risen. The court is informed that in another petition, a Division Bench of this Court has expressed its concern about delayed cremation/last-rites of pandemic related casualties.

3. On earlier date the learned counsel for the Corporation had stated that the earlier structure/sheds had been demolished. However, photographs filed today and available on record at page 28 show the same structure as shown in annexure P-7. These are two large rooms which are used by the visitors earlier. They are now stuffed with building material. The said building material shall be removed in 48 hours and the halls, as they exist, shall be made available for use of visitors. Especially, because of the temporary shed or *shamiana* which is to be constructed may not be wholly suitable, in case of thunderstorm or rain. Photographs of two rooms being cleared of all building material too shall be filed alongwith the affidavit of the Corporation.
4. Water connection shall be made available with fresh taps or the old connections be restored. The learned counsel for the petitioner submits that the earlier water facility was available by way of bore-well/ hand pump and the same be restored till regular water supply is made available through Delhi Jal Board or other facility.

5. The learned ASC for the GNCTD submits that it is odd construction has been carried out for the past six months without water and electricity connection. Therefore, the respondent should explain as to how the construction is being carried out without these essential services. Let the affidavit address this issue too.
6. The photographs filed by the Corporation show some logwood next to a boundary wall, which has possibly been arranged for cremation. The same does not appear to be sufficient for more than one cremation. Furthermore, it is kept in an open area. If it gets wet in rains, it would become unusable. The petitioners contend that earlier they were supplying free wood for cremation and undertake to carry out their charitable work in future as well. Since the provision of logwood is not the work of the MCD but of the management of a crematorium and the petitioner says that it was providing the same free of cost, to aggrieved relatives /friends of a deceased, as an interim measure, without prejudice to the rights and contentions of the parties, the petitioner is permitted to arrange for free logwood and other materials as was being provided by them earlier to facilitate the last rites. As a sequitur, they shall be earmarked and provided an area of 10'x10' by the Corporation to store the requites material atand to assit in cremations. The petitioner shall make its own temporary shed by way of cloth or tin-shed covering, over the earmarked area looking at the urgency for making such provisions the Corporation the area shall be earmarked and to be made available to the petitioner in two days. The corporation shall also ensure that the water connection/facility and temporary toilet facilities are made available for visitors.

7. The petitioners contend that construction is being carried out in breach of this court's orders. This is promptly refuted by the learned Senior Advocate for the Corporation.
8. The lock of the crematorium shall be opened by this evening so that the petitioner can enter the premises and at least stack therein, the necessary material for cremation and subsequently erect their shamiana/tin-shed at the place identified by the Corporation. The petitioners and the villagers will have access to the crematorium for carrying-out cremations and/or for making arrangements for cremations. However, such access shall be without hindrance to the activities of the Corporation, as may be permitted. In the interim, the Corporation shall not hand over the management of the crematorium to any third party.
9. The court is assured by the learned Senior Advocate for the Corporation that afore-directed facilities/measures shall definitely be put in place before the next date.
10. List on 19.06.2020
11. Interim orders to continue.
12. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JUNE 16, 2020/kk