

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,  
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,  
Hon'ble Chairperson**

Dated this the 11<sup>th</sup> August, 2010.

**H.R.M.P.No.289 of 2009**

Petitioners : L.Daniel, Mukaluvila veed,  
Elambal, Elikkode.P.O,  
Kadasseri and 39 others.

Respondents : 1) Vicar,  
Mar Gregorious Church,  
Marangattu, Elanbal.P.O,  
2) Secretary, Do

**ORDER**

The complaint of the petitioners is that the authorities of Mar Gregorious Church, Marangat, has marked a land very close to their wells for putting up a cemetery when they have some other land in its compound and it is only to harass them by polluting their well water.

In the report Submitted by the District Collector, Kollam, it is stated that the petitioners have filed a petition alleging that on account of the leakage from the cemetery constructed by Mar Gregorious Church, Marangat, their well water is polluted. It is also stated in the report that on the said complaint and on the WP ( C ) – 26917/09 filed by the petitioners before the High Court of Kerala the Court passed an order directing the District Collector, Kollam, to hear the parties and then to pass orders. Accordingly the concerned parties were heard on 17-12-2008 and 24-1-2009 and as the parties had differences over the issue the District Collector authorized the Additional District Magistrate (ADM), Kollam, to file his report after the spot enquiry. Accordingly the ADM has filed the report where in it is stated that the allegations made in the complaint

are true and no permission shall be granted to bury the dead bodies in the place in question in future and that the Church has another area near to the church having sufficient space for the construction of new cemetery. The ADM, in his report, requested for action and orders taking into considering these facts.

In the report it is further stated that on the basis of the report of the ADM, the District Collector, issued an order on 14-10-2009 prohibiting the burial of any dead body in the alleged place and the Church authorities filed an appeal against the said order before the Principal Secretary to Government, Local Self Government and the hearing was conducted on 28-4-2010 but the decision on the appeal is not yet received. The District Collector, Kollam, has concluded his report stating that further action will be taken according to the decision in the appeal.

The above report shows that the petitioners approached the High Court by filing a writ petition in the same subject matter in which the High Court has passed an order directing the District Collector Kollam, to pass appropriate orders after hearing the parties and that after the hearing the District Collector issued prohibition orders on which the respondents filed an appeal before the Government. The report also assures that further action will be initiated on receipt of the decision in the appeal.

In view of the above report no further orders are required on this petition since the High Court of Kerala has already passed orders in the matter and an appeal is pending before the Government against the orders of the District Collector. In view of the above facts, the petitioners have to seek their grievances redressed only before a legal forum if any order is passed against their interest.

The petition is accordingly closed.

Justice N. Dhinakar,  
Chairperson.