

**Court No. - 2**

**Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 16150 of 2020**

**Petitioner :-** Suo-Moto Inre Right To Decent And Dignified Last Rites/Cremat

**Respondent :-** State Of U.P. Thru Additional Chief Secretary Home And Ors.

**Counsel for Petitioner :-** Abhinav Bhattacharya,Ajit Singh,Anjani Kumar Mishra,Ashish Kumar Agarwal,Atul K. Singh,Atul Kumar Singh,Digvijay Singh Yadav,Jaideep Narain Mathur (Ac,Nadeem Murtaza,Onkar Singh,Pradeep Kumar Singh,Seema Kushwaha,Sharad Bhatnagar

**Counsel for Respondent :-** C.S.C.,A. S. G.,Abdul Ahad,Anurag Kumar Singh,Ashok Shukla,Dr. Ravi Kumar Mishra,Manjusha,Pranjal Krishna,Satyaveer Singh,Shagun Srivastava

**Hon'ble Rajan Roy,J.**

**Hon'ble Jaspreet Singh,J.**

In response to our earlier order dated 26.09.2024, Sri Pranjal Krishna, learned counsel appearing for the State has instructions from the State Government to inform the Court firstly that similar issue as referred in our order dated 26.09.2024 is pending consideration before the Supreme Court where the family has sought relocation/rehabilitation in Delhi.

Secondly, there is no formal application by the victim's family seeking relocation/rehabilitation at Ghaziabad or Noida in the State of U.P., though, their counsel had made such a request on their behalf in the order dated 26.09.2024 was passed.

We asked Sri Mahmood Pracha, learned Senior Counsel appearing for the victim's family as to whether it was possible for the victim's family to make such application either before the District Magistrate, Hathras or before us, the respondent while saying that in fact the victim's family would make such an application before the District Magistrate, Hathras and the same would be forwarded by him i.e. Mr. Pracha, to Sri Pranjal Krishna who is representing the State of U.P. and that a decision should be taken either way at the earliest because this matter is lingering for quite a some time and ever since February, 2024 he has been requesting for relocation/rehabilitation of the family at Ghaziabad or Noida without prejudice to their rights in the pending Special Leave Petition before the Supreme Court wherein they have sought the relocation/rehabilitation at New Delhi.

Having heard, learned counsel for the parties, we are of the view that without prejudice to their rights before the SLP pending before the Hon'ble Supreme Court of India at the behest of the victim's family where they are seeking relocation/rehabilitation to Delhi as the victim's family wants relocation/rehabilitation at Ghaziabad or Noida then it should move a formal application before the District Magistrate, Hathras whereupon the District Magistrate, Hathras, if he is competent to take a decision, he shall take a decision in this regard, if not, he shall forward the same to the State Government which shall take the decision and apprise the Court about the decision taken by the next date. A copy of such application would be forwarded by Sri Mahmood Pracha, learned Senior Counsel to Sri Pranjal Krishna, learned counsel for the State so that Sri Pranjal Krishna, Advocate should also forward to the concerned District Magistrate, Hathras and to the concerned Department of State Government for a decision as aforesaid.

This order is being passed without prejudice to the rights of the parties in these proceedings as stated by Sri Mahmood Pracha, learned Senior Counsel for the victim's family.

The matter shall now come up on ***08th January, 2025.***

**Order Date :- 14.11.2024**

Asheesh/Rakesh/-

***(Jaspreet Singh, J.) (Rajan Roy, J.)***