

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR JUSTICE M. VENUGOPAL

W.A. No.624 of 2015 and M.P. No.1 of 2015

Muniammal

Appellant

vs.

- 1 The Government of Tamil Nadu
represented by its Principal Secretary
Home Department
Fort St. George
Chennai 600 009
- 2 The Director General of Police
Head of the Police Department
Mylapore
Chennai 600 004
- 3 The District Collector
Tiruvannamalai District
Tiruvannamalai
- 4 The Medical Superintendent/Medical Officer
Government District Headquarters Hospital
Tiruvannamalai District
Tiruvannamalai

Respondents

Writ Appeal filed under Clause 15 of the Letters Patent
challenging the order dated 10.04.2015 passed in W.P. No.10555 of
2015.

W.P.No.10555 of 2015:

Petition under Article 226 of the Constitution of India, to issue
a Writ of Mandamus directing the respondents 3 and 4 to conduct
re-postmortem of petitioner husbands dead body (namely Sasikumar aged
about 35 years) with videograph forthwith consequently direct the
1st respondent to pay adequate compensation to protect petitioner
family livelihood.

For respondents

Mr. AL. Somayaji, Advocate General
assisted by Mr. S.T.S. Murthy
Government Pleader

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant intra Court appeal arises from the order dated 10.04.2015 passed in W.P. No.10555 of 2015.

2 The learned Single Judge, while hearing the aforesaid writ petition on 09.04.2015, directed the Superintendent of Tiruvannamalai Government Hospital, to keep the bodies of the six deceased persons in the mortuary attached to the Tiruvannamalai Government Hospital, until further orders and posted the matter for hearing on the next day, i.e., 10.04.2015. On 10.04.2015, the learned Single Judge, recording the fact of pendency of a writ petition being PIL No.91 of 2015 on the file of the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, posted the matter for further hearing on 17.04.2015.

3 On a perusal of the documents placed before us, it transpires that an unfortunate incident led to the death of 20 persons. The appellant/writ petitioner, who is a widow of one of those victims, viz., late Sasikumar, had approached this Court with the instant writ petition, seeking compensation as well as a direction to the respondents 3 and 4 for second post-mortem to be conducted in the State of Tamil Nadu.

4 In the order dated 10.04.2015, the learned Single Judge has recorded the order passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, in the said PIL No.91 of 2015, as under:

"ORDER

The matter is posted to 10.04.2015 under "fresh matters".

In the meantime, the Director General of Police of the State of Andhra Pradesh shall submit a report as to:

1 Whether appropriate measure has been taken after the death of number of persons mentioned in the writ petition.

2 Whether any unnatural death case has been registered.

3 Whether dead bodies were taken to hospital for lawful, valid and objective post-mortem examination.

4 Whether the bodies of the dead persons have been identified.

5 Whether the dead bodies after post-mortem examination were handed over to the kin and relatives of those persons, and

6 Whether all other lawful formalities have been observed apart from the above?"

5 On a perusal of the documents, pleadings and also, on examining the contentions of the learned Senior Counsel appearing for the appellant, it is evident that the issue of proper conduct of post-mortem and also, the conduct of second post-mortem, if necessary, fall within the scope of one of the issues framed hereinabove by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.

6 Having regard to the issue involved in the pending writ petition before the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, we are of the view that the appellant may approach the said High Court by way of seeking further directions as sought in the instant writ petition filed before this Court. Judicial discipline and propriety require that if the whole/entire cause of action had arisen in respect of the subject matter in issue before a High Court and the said High Court is also seized of the matter, the other High Court may keep its hands off from interfering with the said matter.

7 In such view of the matter, we are not inclined to make any observation or pass any order at this stage, reserving liberty to the appellant to approach the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, in the pending writ petition being PIL No.91 of 2015, for a direction, as required under law. We further make it clear that the learned Single Judge is at liberty to proceed further with the matter, on merits, being uninfluenced of observations, if any, made in this order.

8 The writ appeal stands disposed of with the above observations. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Principal Secretary
Government of Tamil Nadu
Home Department
Fort St. George
Chennai 600 009

2 The Director General of Police
Head of the Police Department
Mylapore
Chennai 600 004

3 The District Collector
Tiruvannamalai District
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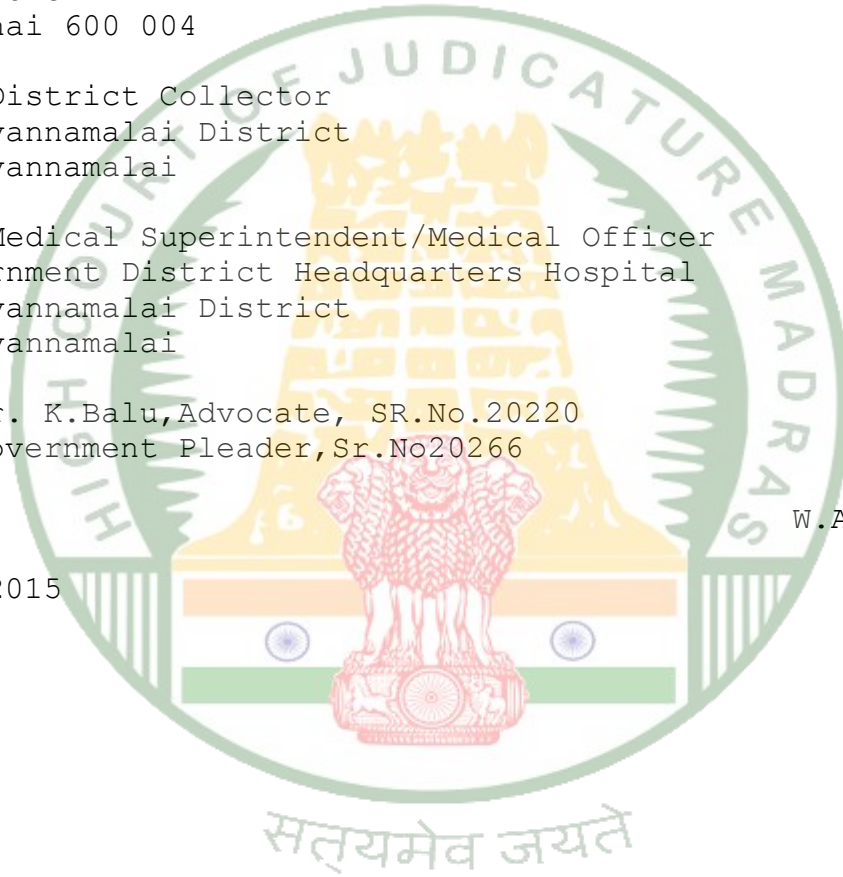
4 The Medical Superintendent/Medical Officer
Government District Headquarters Hospital
Tiruvannamalai District
Tiruvannamalai

1 cc to Mr. K.Balu, Advocate, SR.No.20220

1 cc to Government Pleader, Sr.No20266

nm(o)
pmk.13.4.2015

W.A. No.624 of 2015



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