

In the High Court of Judicature at Madras

Dated: 07.08.2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren

Writ Petition No.33208 of 2012

M.Veeraperumal

.. Petitioner

vs.

1.The District Collector, Cuddalore Dist.

2.The Superintendent of Police,
Cuddalore Dist, Cuddalore

3.The Deputy Superintendent of Police,
Virudhachalam, Cuddalore Dist.

4.The Revenue Divisional Officer,
Virudhachalam, Cuddalore Dist.

5.The Inspector of Police,
Pennadam Police Station,
Thittakudi Taluk, Cuddalore Dist.

6.Ramarajan

7.Jayabal

.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing respondents 1 to 4 to inquest the body of the petitioner's wife by directing the 5th respondent to investigate and to file a final report within a stipulated time, as prescribed by this Court, based upon the petitioner's representation dated 26.9.2012.

For petitioner : Mr.S.Kumara Devan

For respondents : Mr.R.Ravichandran, AGP R1 to R5

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. The petitioner has filed the present Writ Petition praying that this Court may be pleased to issue a writ of mandamus to direct respondents 1 to 4 to conduct an inquest on the body of the petitioner's wife and to direct the 5th respondent to investigate and to file a final report, with regard to the death of the petitioner's wife, within a time frame, as per the representation, dated 26.9.2012, made by the petitioner.

3. The learned counsel appearing on behalf of respondents 1 to 5 had submitted that the reliefs prayed for by the petitioner, in the present Writ Petition, cannot be granted, at this stage, and it is for the petitioner to have pursued his remedies, as per the provisions of the Criminal Procedure Code, 1973, instead of filing a Writ Petition. In fact, the petitioner had filed a Criminal Original Petition before this Court, in Crl.O.P.S.R.No.46969 of 2012, which had been returned by the Registry seeking certain clarifications. However, the petitioner had not preferred to represent the same, after complying with the requirements of the Registry, instead, he had chosen to file the present Writ Petition.

4. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, this Court is of the considered view that the reliefs prayed for by the petitioner, in the present Writ Petition, cannot be granted, at this stage. The petitioner ought to have pursued the remedies, which were available to him, if any, before the appropriate forum, in the manner known to law, as per the provisions of the Criminal Procedure Code, 1973. Even though the Criminal Original Petition filed by the petitioner, in Crl.O.P.S.R.No.46969 of 2012, had been returned by the Registry, seeking certain clarifications, the petitioner had not preferred to comply with the requirements of the Registry.

5. In such circumstances, this Court is of the view that there is no merit in the present Writ Petition. Hence, the Writ Petition stands dismissed. However, it goes without saying that it would be open to the petitioner to seek his reliefs, if any, before the appropriate forum, in the manner known to law, as per the provisions of the Criminal Procedure Code, 1973. No costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector, Cuddalore Dist.

2.The Superintendent of Police,
Cuddalore Dist.

3.The Deputy Superintendent of Police,
Virudhachalam, Cuddalore Dist.

4.The Revenue Divisional Officer,
Virudhachalam, Cuddalore Dist.

5.The Inspector of Police,
Pennadam Police Station,
Thittakudi Taluk, Cuddalore Dist.

+1 cc to Mr.S.Kumaradevan, Advocate sr.41170
+1 cc to Government Pleader High Court Madras
sr41235

WP 33208 of 2012

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