

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 41632 of 2016

Abdul Sukur

.. Petitioner

Versus

1. The Inspector of Police
Egmore Railway Police Station
Chennai - 600 008
2. The Dean
Rajiv Gandhi Government Hospital
Chennai - 600 003
3. The Tahsildar
Egmore Zone
No.68, Mayor Ramanathan Salai
Chennai - 600 031
4. The Commissioner
Chennai City Corporation
Chennai - 600 003

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to produce the relevant registers, giving details of treatment of the petitioner's father, date of death of the patient, date of sending the body to the mortuary and how and on what date it was disposed, to enable the fourth respondent to issue a death certificate.

For Petitioner : Mr. B. Jeyakumar

For Respondents : Mr. P. Sakthivel
Government Advocate for RR1 to 3

ORDER

The petitioner seeks for issuing a Writ of Mandamus directing the respondents 1 and 2 to produce the relevant registers, giving details of treatment given to his father, date of death of his father, date of sending the body to the mortuary and how and on what date it was disposed, to enable the fourth respondent to issue a death certificate.

2. As per the averments contained in the affidavit filed in support of the writ petition, the petitioner's father joined as Attender in Railway Hospital, Perambur, in the year 1981 and in the year 1985, the petitioner's father became a permanent staff in the Railway Hospital, Perambur. It is further stated that out of the wedlock between the petitioner's father Shahabudeen and his mother Naseem Banu, the petitioner's sister and the petitioner were born in the Railway Hospital, Perambur, during the year 1985 and 1986 respectively. It is further stated that since the petitioner's father was employed in Railway Hospital, Perambur, the petitioner's father was allotted a residential quarters in Perambur. According to the petitioner, after rendering 16 years of service i.e., in the year 1996, the petitioner's father abandoned his employment and his whereabouts were not known. While so, on 12.01.2005, a letter was received from the Railway authorities informing that his father was removed from service. Subsequently, by another letter dated 09.02.2006, the petitioner was asked to vacate the residential quarters allotted to his father. Thereafter, even according to the petitioner, he has not taken any steps either to ascertain the whereabouts of his father. While so, on 01.10.2008, the petitioner received a phone call from the office of the first respondent informing that his father is sick and admitted in the hospital of the second respondent. Thereafter, on 2nd October 2008, the petitioner was informed that his father is dead. According to the petitioner, when he enquired about his father after a week from 2nd October 2008, he was informed that the dead body of his father was disposed of after observing all due formalities. The petitioner did not take any action thereafter and only in the year 2016, he has come forward with this writ petition seeking the relief mentioned above.

3. I heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3. From the facts narrated above, it is evident that from 02.10.2008, when the petitioner was informed about the death of his father, he has not taken any steps either to obtain relevant information from the respondents relating to the death of his father or to obtain a legal heir certificate. After lapse of eight years, the petitioner has filed this writ petition seeking for a direction to the respondents to furnish certain records relating to the death of his father. Even before filing the present writ petition, the petitioner has not submitted any representation to the respondents and straightaway he has filed this writ petition seeking for issuing a Writ of Mandamus and therefore, this writ petition itself is not maintainable. The petitioner is not diligent enough in pursuing his relief and therefore at this stage, this Court cannot issue the relief sought for in this writ petition.

4. In the result, the writ petition is dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsm/rsh

To

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+1 CC to Government Pleader, High Court, Chennai Sr.No.70116

+1 CC to Mr.Kamatchi Kannan, Advocate Sr.No.69473

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SR(CO)
KP(20/04/2017)

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