

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P. No.99 of 2016

&

WMP No.46/16

M.Sankar

... Petitioner

Vs.

1. The District Collector
Nagappattinam District.

2. The District Adi-Dravidar Welfare Officer,
Collectorate, Nagappattinam District.

3. The Superintendent of Police,
Nagappattinam District.

4. The Tahsildar,
Kuthalam Taluk Office,
Nagappattinam District.

5. The Inspector of Police
Kuthalam Police Station,
Nagappattinam District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to provide adequate police protection to the petitioner for using common pathway in SR No. 103(1B) of Vazhvur Village to reach the burial ground of the petitioner's grand father dead body and perform his last rites on the basis of the petitioner's representation dated 04.01.2016.

For Petitioner : Mr.S.Rajanikanth.

For Respondents : Mr. V.Subbiah,
Special Government Pleader.

O R D E R

When the matter came up for hearing yesterday, this Court passed an interim order in the following manner;

'It is very unfortunate that equality eludes a person till death starting from his birth. Petitioner's grandfather, who died on 03.01.2016 could not be given a decent burial due to notice which is still prevalent in the society. This Court expects the respondents to act immediately to do the needful and report the same on 05.01.2016, failing which appropriate orders will be passed.'

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents. The Learned Special Government Pleader, on instructions submitted that the road to the burial ground would be relaid by the end of March, 2016 and the amount for relaying the road has also been sanctioned. Further, reliance has been placed on the communication sent today, by the respondent No. 1 to the Office of the learned Government Pleader. In the said communication, it has been stated that there is no difficulty in laying a thorough fair in Survey No. 103/(1B2) for the purpose of reaching the burial ground. In the said letter, it is also stated that in the event of any objection, appropriate protection would be given to the petitioner. Another letter produced by the learned Government Pleader sent by the Revenue Divisional Officer to one M.Kartikayan states that the road leading to the burial ground would be laid by the end of March, 2016 and an amount of Rs. 21 Lakhs has been sanctioned from the special fund of the District Collector.

3. In view of the aforesaid statement, the writ petition stands disposed of by directing the respondent No. 3 to give adequate protection to see that no untoward incident, takes place in completing the last rites of the deceased person, who is the grandfather of the petitioner. The respondent Nos. 1 to 4 as well as the Kuthalam Block Development Officer are also directed to see to it that the proposed road is relaid by the end of March, 2016, as stated in the proceedings dated 04.01.2016 of the Revenue Divisional Officer and the letter of the respondent No. 1 sent to the office of the learned Special Government Pleader on 05.01.2016. It is again reiterated that it is the duty of the respondent No. 3 to see that the petitioner along with the body of his deceased grandfather, would be in a position to reach the burial ground without any hindrance. Such a course can be adopted by using the public road. The presence of the Officer namely, respondent No. 5 is also noted.

4. With the above directions, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
Nagappattinam District.
2. The District Adi-Dravidar Welfare Officer,
Collectorate, Nagappattinam District.
3. The Superintendent of Police,
Nagappattinam District.
4. The Tahsildar,
Kuthalam Taluk Office,
Nagappattinam District.
5. The Inspector of Police
Kuthalam Police Station,
Nagappattinam District.
6. The Block development Officer,
Kuthalam,
Nagappattinam District.

+1cc to M/S.S.Rajanikanth, Advocate, S.R.No.416
+1cc to the Government Pleader, S.R.No.369

W.P.No. 99 of 2016

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srg(05/01/2016)