



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.11.2016

CORAM

**THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM**

W.P(MD)No.902 of 2016

and W.M.P.(MD) No.689 of 2016

WEB COPY

S.Mary Pelsit

... Petitioner

vs.

1. The District Collector,  
Collectorate,  
Kanyakumari District.

2.The Superintendent of Police,  
O/o.the Superintendent of Police,  
Kanyakumari District.

3.The Inspector of Police,  
Kulachal Police Station,  
Kanyakumari District.

4.The Revenue Divisional Officer,  
O/o.Revenue Divisional Officer,  
Padmanabapuram Division,  
Kanyakumari District.

5.The Executive Authority,  
Reethapuram Town Panchayat,  
Reethapuram,  
Padmanabhapuram Division,  
Kanyakumari District.

6.F.Justin

7.D.Stanley

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to take necessary action against the respondents 6 and 7 and provide police protection to the petitioner to enable for exhume her late husband's mortal remains from his house NO.3/70 B, Thani Vilai, Salet Nagar, Vaniyakudi Post, Kanyakumari District and perform his final rice as per Christian customs and tradition within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathiroy

For R1 to R5 : Mr.K.P.Krishna Doss  
Government Advocate

For R6 &amp; R7 : Mr.S.Subbiah

**ORDER**

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to take necessary action against the respondents 6 and 7 to provide police protection to the petitioner to exhume her late husband's mortal remains from his house NO.3/70 B, Thani Vilai, Salet Nagar, Vaniyakudi Post, Kanyakumari District and perform his final rites as per Christian customs and tradition within the time stipulated by this Court.

2. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and Mr.K.P.Krishna Doss, learned Government Advocate, who takes notice for the respondents 1 to 5 and Mr.S.Subbiah appearing for the respondents 6 and 7 and perused the materials placed on record.

3. The learned counsel appearing for the petitioner would submit that the petitioner's representation dated 01.01.2016 was not considered by the respondents. Hence, the present writ petition has been filed. He further submitted that the petitioner is ready to submit fresh representation to the fifth respondent and it would suffice if the fifth respondent is directed to consider the representation and pass orders.

4. Mr.Subbaiah, learned counsel appearing for the respondents 6 and 7 would submit that with regard to property in dispute, civil litigations are pending.

5. Considering the submissions of learned counsel appearing for the parties, the petitioner is directed to give fresh representation to the fifth respondent within a period of one week and on receipt of such representation, the fifth respondent shall consider the same and pass orders on merits and in accordance with law after providing opportunity to the respondents 6 and 7 within a period of four weeks therefrom.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, W.M.P.(MD) No.689 of 2016 is closed.

Sd/-

Assistant Registrar(CS I)

/True Copy/



To

- 1.The District Collector,  
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O/o.the Superintendent of Police,  
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- 5.The Executive Authority,  
Reethapuram Town Panchayat,  
Reethapuram,  
Padmanabhapuram Division,  
Kanyakumari District.

+1cc to Mr.T.Lajapathi Roy, Advocate in SR No.66514  
+1cc to the Spl.Govt.Pleader in SR No.66316

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CM

ANR/CK/05.12.2016/3P/8C