

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2017

CORAM :

The Hon'ble Kum.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mrs.JUSTICE R.HEMALATHA

W.P. No.31049 of 2017

and

W.M.P.No.34040 of 2017

R.Kumaravel

... Petitioner

-vs-

1.The Chief Secretary to Government,
Govt. of Tamil Nadu,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Principal Secretary to Government,
Public Department,
Govt.of Tamil Nadu,
Secretariat, Fort St. George,
Chennai 600 009.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents from observing officially the annual day of demise of former Chief Minister Ms.J.Jayalalitha on 05.12.2017 till the Hon'ble Justice Mr.A.Arumugasamy Inquiry Commission declare the official date of death after availing the scientific proof from finger prints forensic experts.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.Vijay Narayan,
Advocate General
Assisted by Mr.T.N.Rajagopalan
Govt. Pleader (In-charge)

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

This writ petition purportedly filed by way of public interest litigation disputes the date of death of the former

Chief Minister of Tamil Nadu, Dr.J.Jayalalitha. With greatest of respect to the petitioner, we are constrained to hold that the Writ Court exercising its extraordinary jurisdiction under Article 226 of the Constitution of India cannot adjudicate disputes with regard to the dates of death of eminent leaders, or for that matter any other person.

2.As stated in the affidavit in support of the petition, the Government has appointed a Commission of Enquiry headed by a retired Judge of this Court for the purpose of making an independent enquiry into the demise of the late Chief Minister. The Commission of Enquiry is expected to enquire into the cause of death as well as the date of death, should it be possible to do so, at this stage.

3.As of now, there is a death certificate issued by a reputed speciality hospital, namely, Apollo Hospitals, which shows that the former Chief Minister died on 5th December, 2016. Observance of the death anniversary of a Chief Minister on the basis of the date of death as recorded in the death certificate issued by the hospital authorities does not call for interference of this Court. This Court cannot decide disputes as to whether letters said to have been written by the late Chief Minister were actually written by her or not. This Court neither has the expertise nor the experience to determine whether a thumb impression, imprinted on a document is of a living person or a dead person. There is no public interest in the order sought for in this writ petition.

4.The Commission of Enquiry that has been appointed to enquire into the death of Dr.J.Jayalalitha has not, as of yet, given any finding of either the death certificate not being correct or of any other cause of the death of the late Chief Minister than what has transpired from the medical bulletins and reports issued by the hospital authorities.

The writ petition is, therefore, dismissed. No costs. Consequently, W.M.P.No.34040 of 2017 is also dismissed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

sra

To

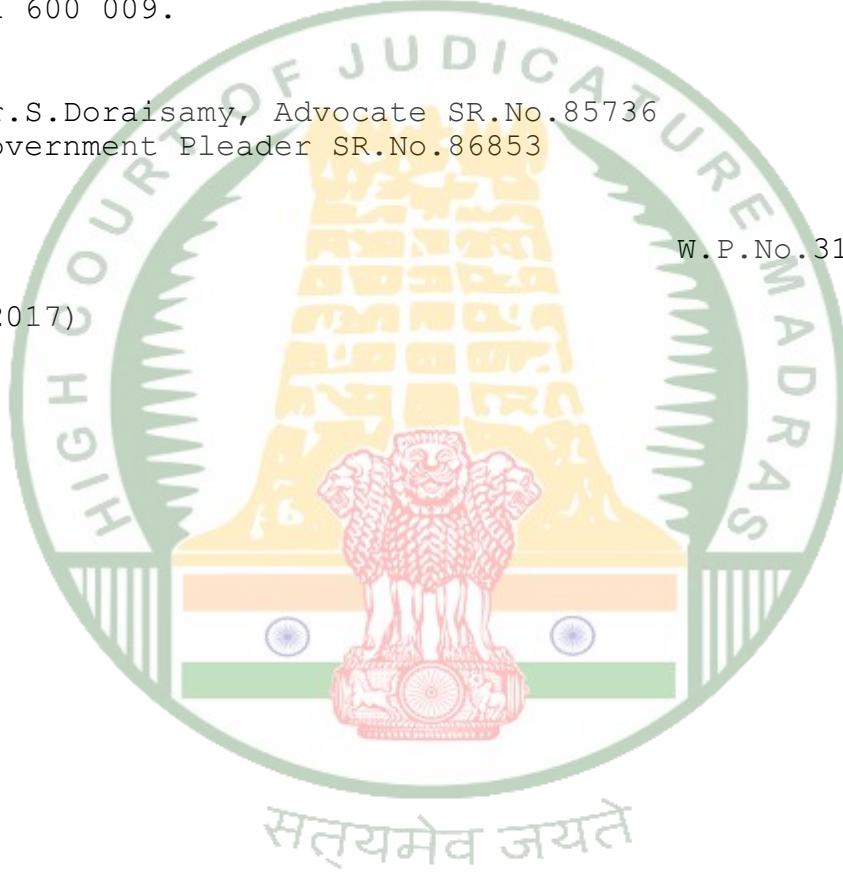
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+1cc to Mr.S.Doraisamy, Advocate SR.No.85736
+1cc to Government Pleader SR.No.86853

W.P.No.31049 of 2017

SVI (CO)
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