

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**LPA no.1416 of 2017 (O&M)**

**Date of Decision : 08.08.2017**

Tilak Raj and another

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr.Rajinder Sharma, Advocate for the appellants

**MAHESH GROVER, J.(ORAL)**

This appeal is directed against the judgment of the learned Single Judge dated 23.5.2017. The appellants approached the writ Court with a prayer that mandamus be issued to the official respondents to remove the dead body of Baba Manohar Dass from complex of Baba Dhunda Dass Baba Manohar Dass Kabir Mandir, Plot no. 26, Chotta Haripura, Amritsar as it was emitting foul smell. Another prayer has been made that body be disposed of as per Hindu rites. They also prayed that there were suspicious circumstances leading to his death which be investigated.

Learned Single Judge noticed that Special Investigating Team has been constituted to look into the grievance of the appellants which, however, does not satisfy them and in the present appeal it has been urged that the body be exhumed to ascertain the cause of death apart from the other issues raised regarding emission of bad smell and body being buried contrary to the

faith of the followers.

On due consideration of the matter, we are of the opinion that learned Single Judge was right in declining any indulgence in view of the constitution of the Special Investigating Team which essentially would look into the grievance of the appellants of a suspicious death. We have no reason to doubt that the Special Investigating Team will make all efforts to ascertain the cause and even common sense would dictate that if Special Investigating Team has to conclude its endeavour, it would necessarily have to get the body exhumed. We thus leave all this to the wisdom of the Special Investigating Team and the administrative authorities who shall ensure that the body of the deceased does not create any problem to the society at large. No ground to interfere is made out. Hence, instant appeal is hereby dismissed.

**(Mahesh Grover)**  
**Judge**

**(Raj Shekhar Attri)**  
**Judge**

08.08.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No