

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

WP. No.19060 of 2018

T.Vivekanandan

..Petitioner

Vs

1.The Secretary to Government
Home Department
Secretariat, Chennai-09.

2.The District Collector
Erode District, Erode.

3.The District Revenue Officer (R.D.O)
Kodumudi Revenue Division
Erode District.

4.The Executive Magistrate cum Thasildar
Kodumudi Taluk, Erode District.

5.The Inspector of Police
Kodumudi Police Station
Kodumudi, Erode District.

..Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 4th respondent to consider the petitioner's representation dated 05.07.2018 and consequently, directing the 4th respondent to conduct proper enquiry in Crime No.54 of 2018 under Section 174 Cr.P.C pending on the file of the 4th respondent.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondents : Mr.D.Raja

Additional Government Pleader

O R D E R

This writ petition has been filed seeking a Writ of Mandamus, directing the 4th respondent to consider the petitioner's representation dated 05.07.2018 and consequently, directing the 4th respondent to conduct proper enquiry in Crime No.54 of 2018 under Section 174 Cr.P.C pending on the file of the 4th respondent.

2. One Sabari Ganesh and his friends were bathing in Kaveri River near Kodumudi, unfortunately, Sabari Ganesh drowned. On the complaint given by his uncle Sangarapandiyan, the respondent police have registered a case in Crime No.54 of 2018 on 29.03.2018 under Section 174 Cr.P.C. The body was fished out from the river and was sent to the Government Hospital, Kodumudi for post-mortem. While so, the petitioner, who is the father of the deceased Sabari Ganesh has given a representation dated 05.07.2018 and thereafter, filed the present petition seeking a direction to the respondents to dispose of his representation.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents-State.

4. It is seen that an FIR has been registered in Crime No.54 of 2018 and the investigation is being carried out in terms of Chapter XII of Cr.P.C. The viscera report itself has not been received by the police and there is no provision under Chapter XII Cr.P.C. to entertain the representation and dispose of them. A mandamus can be issued only for a direction to perform a statutory duty. In this case, the investigation is going on and the police have not yet concluded the investigation. Hence, the direction as prayed for by the petitioner cannot be granted. However, this petition is closed with a direction to the Inspector of Police, Kodumudi Police Station to furnish a copy of the closure report, inquest report and other documents to the petitioner, after completion of the investigation at the time of filing the same before the jurisdictional Tahsildar. No costs.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Secretary to Government
Home Department
Secretariat, Chennai-09.

2.The District Collector
Erode District, Erode.

3.The District Revenue Officer (R.D.O)
Kodumudi Revenue Division
Erode District.

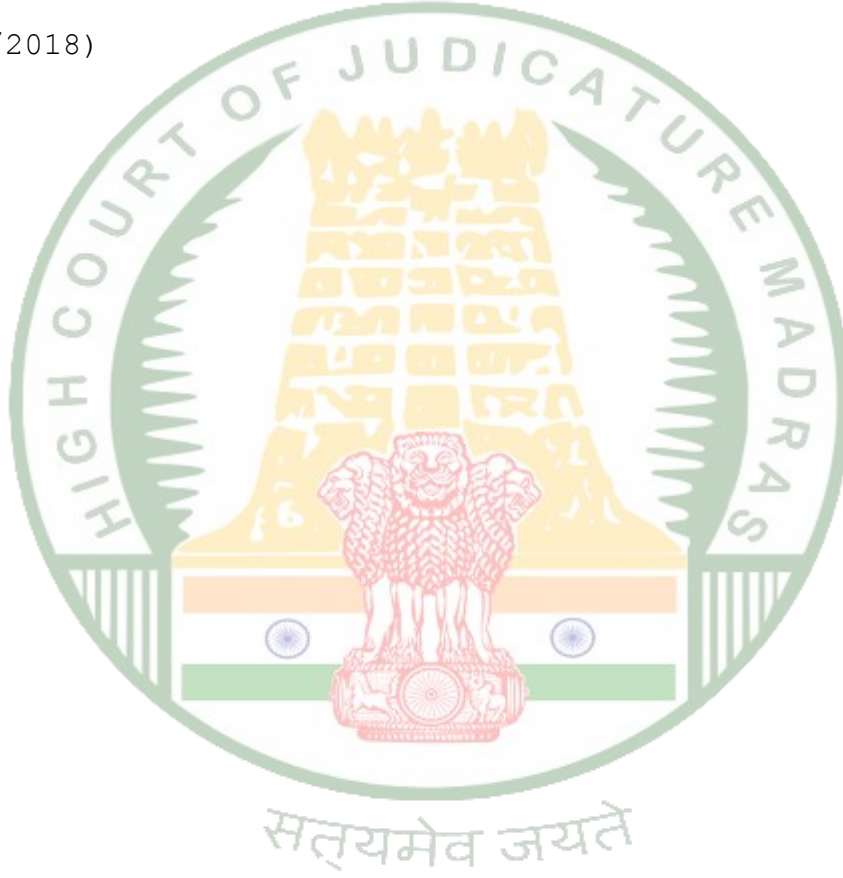
4.The Executive Magistrate cum Thasildar
Kodumudi Taluk, Erode District.

5.The Inspector of Police
Kodumudi Police Station
Kodumudi, Erode District.

+1cc to Mr.T.V.G.Kartheeban, Advocate, S.R.No.50169

W.P.No.19060 of 2018

GSP(02/08/2018)



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