



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.21920 of 2019

Chakarapani

...Petitioner

vs

- 1.The District Collector,
District Collector,
Villupuram.
- 2.The Tasildar,
Marakaanam Taluk,
Marakannam,
Villupuram District.
- 3.The Inspector of Police,
F-1, Kottakuppam Police Station,
Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to exhume and remove the corpses buried in our land in S.Nos.219/5, Keelputhupattu Village, Marakaanam Taluk, Villupuram District and rebury the same in the licensed graveyard in S.No.219/3, Keelputhupattu Village, Marakaanam Taluk, Villupuram District.

For Petitioner : Mr.Thangavel

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Writ petition has been filed for a direction to the respondents to exhume and remove corpses buried in the property belonging to the petitioner.

2. The learned Additional Public Prosecutor on instructions submitted that the respondent police were not able to amicably resolve this dispute and there was an apprehension of breach of peace. Therefore, the matter has been referred to the Executive Magistrate, Marakannam, under Section 145 Cr.P.C, to conduct an enquiry.



3. In view of the above development, the relief as sought for by the petitioner cannot be granted by this Court at this stage as the Executive Magistrate has to conduct an enquiry and only after the final orders are passed, further action can be taken in this case.

4. This writ petition is disposed of with the direction to the Executive Magistrate, Marakannam, to conduct the enquiry under Section 145 of Cr.P.C by affording an opportunity to all the parties and pass final orders within a period of six weeks from the date of receipt of copy of this order. Based on the final order to be passed by the Executive Magistrate, Vannur, the petitioner can thereafter workout his further remedy in accordance with law.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To.

1. The District Collector,
District Collector,
Villupuram.
2. The Tasildar,
Marakaanam Taluk,
Marakannam,
Villupuram District.
3. The Inspector of Police,
F-1, Kottakuppam Police Station,
Villupuram District.
4. The Executive Magistrate,
Vannur.



5.The Public Prosecutor,
High Court, Madras.

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+1cc to Mr.C.Anbu, Advocate Sr.66856

W.P.No.21920 of 2019

srg 26/08/2019