



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA
H.C.P.No.735 of 2020

D.P.Patrick, 40 years,
S/o.Pitchamuthu,
No.27, Vadisanpuram Lane,
"D" Caster Road, Pulianthoppu,
Chennai - 600 012.

... Petitioner
(Son of the deceased)

Vs.

1. The State of Tamil Nadu,
Rep. by the Commissioner of Police,
Chennai City,
Chennai - 600 007.
2. The Inspector of Police,
T.P.Chatham Police Station,
Chennai - 600 010.
3. The Deputy Commissioner of Police,
K.4, Anna Nagar,
Chennai - 600 040.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the respondents herein to provide police protection to bury the body of the deceased Salath Mary, wife of Pitchamuthu at Kilpauk-Burial ground (Christian) on 13.05.2020.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

(Order of the court was made by N.KIRUBAKARAN, J.)

The petitioner has come before this Court seeking direction to the respondents to provide police protection to bury the body



2.Mr.R.Prathap Kumar, learned Additional Public Prosecutor takes notice on behalf of the respondents.

6.A perusal of the report filed by the learned Additional Public Prosecutor would reveal that Kilpauk Cemetery is maintained by Greater Chennai Corporation and out of the total extent of land measuring 27,980 sq. m. (appx), so far 27,800 sq. m. (appx) was utilised and the available land is only 180 sq. m., which is also on the rear side abutting compound wall situated close to the densely populated residential area. As per ICMR guidelines, the bodies of the Covid-19 infected patients have to be buried at the depth of 2.4 m and if such excavation is made in Kilpauk Cemetery, the compound wall would definitely collapse and many problems would be caused to the residents of the said area. Therefore, it is not possible to bury petitioner's mother's body at Kilpauk Cemetery and alternatively, it is suggested by the Government that the body could be buried as per the Christian rights at Thaangal burial ground, Thiru.Vi.Ka.Nagar, which is located near petitioner's



residence at Pulianthope. It is also confirmed by the learned Additional Public Prosecutor that part of the Thaangal burial ground, Thiru.Vi.Ka.Nagar is used as Christian burial ground.

7.As far as the contention of the learned counsel appearing on behalf of the petitioner that the body should be allowed to bury in the Christian Cemetery located near Central Station is concerned, the said Cemetery is located near the Poonamallee High Road and therefore, there is no possibility of permitting the petitioner to bury his mother's body at the Cemetery near Central Station, in view of the Covid-19 infection suffered by the petitioner's mother.

9.Further, the Government has already earmarked Thaangal burial ground, Thiru.Vi.Ka.Nagar for the purpose of Covid-19 patients. Moreover, the petitioner's residence is at Pulianthope and it is very close to Thaangal burial ground, Thiru.Vi.Ka.Nagar. In those circumstances, it is appropriate to direct the petitioner to bury his mother's body at Thaangal burial ground, Thiru.Vi.Ka.Nagar as per Christian rights. All the Government authorities should render appropriate assistance to the petitioner for decent burial of his mother's body.

10.With the above directions, this Petition is disposed of.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sai

To

1. The Commissioner of Police,
The State of Tamil Nadu,
Chennai City,
Chennai - 600 007.
2. The Inspector of Police,
T.P.Chathram Police Station,
Chennai - 600 010.
3. The Deputy Commissioner of Police,
K.4, Anna Nagar,
Chennai - 600 040.



4. The Additional Public Prosecutor,
High Court of Madras,
Chennai.

WEB COPY

H.C.P.No.735 of 2020

NR(CO)
KKV/09/07/2020