



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.968 of 2020

G.Periyasamy

... Petitioner

Vs

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Dean,
Government Medical College,
Sivagangai, Sivagangai District.
3. The Superintendent of Police,
Sivagangai District, Sivagangai.
4. The Revenue Divisional Officer,
Devakottai, Sivagangai District.
5. The Deputy Superintendent of Police,
Devakottai, Sivagangai District.
6. The Inspector of Police,
Devakottai Police Station,
Sivagangai District.
7. The Sub Inspector of Police,
Thiruvegampattur Police Station,
Sivagangai District.
8. The Inspector of Police,
Adayar Police Station,
Adayar, Chennai.

(R8 impleade vide Court order

dated 05.02.2020 in W.M.P. (MD)No.1708 of 2020)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to appoint Doctors to conduct the autopsy (postmortem) over the body of G.Ramesh within the stipulated period.

For Petitioner : Mr.M.Jothibas

For Respondents : Ms.M.Ananthadevi
Govt. Advocate (Crl. Side)



ORDER

The petitioner wants this Court to direct the respondents to appoint a doctor for conducting autopsy on the body of one Ramesh.

WEB COPY

2.The petitioner is the brother of the said deceased Ramesh. The said Ramesh was working in the Biomedical Waste Management and Handling Company. The petitioner received a message that Ramesh had fallen unconscious and was dead. The message was received on 02.12.2019. Thereupon, the petitioner and other family members rushed to Chennai to receive the dead body. In the meanwhile, the dead body was sent through ambulance to the petitioner's native place. The dead body was received on 03.12.2019 at about 1.30 a.m., Thereafter, the dead body was also buried.

3.The petitioner's allegation is that they later suspected that the death was due to some other reason and even suspected it to be a case of murder. Therefore, the petitioner lodged a complaint on 13.12.2019. Since only the postmortem will reveal the actual cause of death, the petitioner wanted the postmortem to be done on the dead body of his brother. Since the request was not complied with, this writ petition came to be filed.

4.Heard the learned counsel on either side.

5.The writ petition was filed on 10.01.2020. We are now on 09.03.2020. The petitioner's brother admittedly passed away on 02.12.2019. It was the petitioner who received the body on the next day and the family members had thereafter buried the body also. The petitioner had not filed any complaint before the jurisdictional Police. The death admittedly had taken place only at Adayar, Chennai. Therefore, the very filing of this writ petition before this Court appears to be rather misconceived. In any event, due to lapse of time, I am of the view that performing a postmortem is not going to serve any purpose.It is, of-course, open to the dependents of the deceased to maintain a claim for damages against the employer of the petitioner's brother.

6.With this liberty, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1. The District Collector,
Sivagangai District, Sivagangai.
2. The Dean,
Government Medical College,
Sivagangai, Sivagangai District.
3. The Superintendent of Police,
Sivagangai District, Sivagangai.
4. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
5. The Deputy Superintendent of Police,
Devakottai, Sivagangai District.
6. The Inspector of Police,
Devakottai Police Station,
Sivagangai District.
7. The Sub Inspector of Police,
Thiruvegampattur Police Station,
Sivagangai District.
8. The Inspector of Police,
Adayar Police Station, Adayar, Chennai.
9. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 10.+2 CC to Mr.M.Jothi Basu, Advocate
(SR-10723[F] dated 10/03/2020)

W.P. (MD) No.968 of 2020
09.03.2020

TP (07.05.2020) 3P 12C