



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

W.P (MD)No.13158 of 2020

J.Vijayan

... Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil,+
Kanyakumari District.

2.The Sub Collector / Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

4.Jegan

5.Binu Sandhip .

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent Nos. 1 to 3, to take appropriate steps to secure the body of the deceased Rosammal buried on 09.07.1994, Chellaiyan buried on 13.09.1996, Kamalan buried on 09.11.2001 and Joseph buried on 11.01.2019 from the illegal custody of 4th and 5th respondents so as to replace the bodies in the grave constructed at Re-Survey No.229/11 of Nalloor Village, Kanyakumari District, by considering the representation of the petitioner, dated 29.08.2020.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.Chandrasekar

(R1 to R3) Addl.Public Prosecutor

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent Nos. 1 to 3 to take appropriate steps to secure the body of the deceased Rosammal buried on 09.07.1994, Chellaiyan buried on 13.09.1996, Kamalan buried on 09.11.2001 and Joseph buried on 11.01.2019 from the illegal custody of 4th and 5th respondents so as to replace the bodies in the grave constructed at Re-Survey No.229/11 of Nalloor Village, Kanyakumari District, by considering the representation of the petitioner, dated 29.08.2020.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3. Today when the writ petition is came up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, would submit that in respect to the representation, dated 29.08.2020 given by the petitioner, the 3rd respondent herein made an enquiry and afterwards, registered an FIR in Crime No.813 of 2020, under Sections 297 and 427 of IPC. He would further submit that since the prayer sought for by the petitioner through the Writ Petition was already considered, specific direction is not necessary in this Writ Petition. Further, upon representation given by the petitioner, the 2nd respondent herein initiated 107 Cr.P.C., proceedings and the same is pending on his file. The said submission is recorded.

4. In this regard, the learned counsel appearing for the petitioner would submit that though the respondent No.3 had considered the representation given by the petitioner, since the petitioner is having the faith and belief over the missing dead bodies, this Court may direct the Investigation Officer to complete the investigation within a period, as stipulated by this Court.

5. Upon considering the rival submissions made by the counsel appearing on either side, it seems that in the representation given by the petitioner, he prayed to secure the corpus of the dead bodies, which are all buried in various dates. In otherwise, the people belongs to the Christian Community have a faith that the body resurrected during the second coming of Jesus. Therefore, by considering the belief, it would appropriate to direct the 3rd respondent to complete the investigation, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

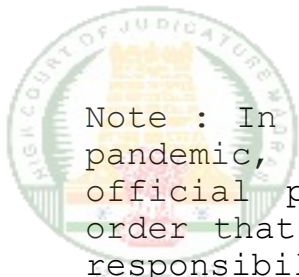
Assistant Registrar (ADII)

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/ /2020

Sub Assistant Registrar(CS)

MPK



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 2.The Sub Collector / Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
- 3.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) No.13158 of 2020
30.09.2020

SCR (CO)
KB (09.10.2020) 3P 5C