



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD).No.18701 of 2015

WEB COPY

V.Manickam

.. Petitioner

Vs.

1.The District Collector,
District Collectorate Office,
Tiruchirappalli.

2.The Inspector of Police,
Thottiyam,
Trichy District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first and second respondents to exhume the body of the petitioner's daughter buried by the second respondent and conduct DNA test and hand over the same to the petitioner based on the petitioner's representation dated 17.04.2015.

For Petitioner	: Mr.AN.Ramanathan
For Respondents	: Mr.C.Ramar
	Additional Government Pleader

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus directing the respondents 1 and 2 to exhume the body of the petitioner's daughter buried by the second respondent and conduct DNA test and hand over the same to the petitioner based on the petitioner's representation dated 17.04.2015.

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.It is unfortunate to notice that a Writ Petition with a prayer of this nature is pending for more than five years for no purpose. The case of the petitioner is that his daughter was found missing from 2009 and that he could not find his daughter despite several enquiries and searches in all the places. Thereafter, a police complaint was also given. However, the petitioner was informed by the second respondent that his daughter had met with an accident in Trichy-Salem main road at Thollurpatti and died on the spot. It is further informed to the petitioner that the dead body was buried as the authorities were unable to gather identity of the



deceased at that time. It is further stated that the deceased was buried in Cauvery River Bank in Musiri under the supervision of the Inspector of Police, Thottiyam Police Station. The petitioner also admit that the identification specified in the CD file matches the petitioner's daughter. Expressing some sentiments to conduct some funeral rites as per communal custom of the petitioner, the petitioner has approached the respondents to get the body so that the petitioner would be able to perform the rituals as per their custom. Since the representation was not considered, the petitioner has approached this Court.

4.The petitioner, in the prayer apart from exhuming the body of his daughter for performing certain rituals, has asked DNA test to be taken to confirm the identity. With this length of time, it is not known whether it is possible for the respondents to identify the place of burial. If it is possible to locate the place of burial, the respondents can consider the petitioner's request to conduct DNA test. The Writ Petition is therefore disposed of with the direction to consider the representation of the petitioner dated 17.04.2015 and to consider the issue in favour of the petitioner, in case, the place of burial is identified and DNA test also can be done by collecting the mortal remains of the deceased. This exercise shall be completed within a period of six weeks from the date of receipt of copy of this order. In case the place of burial cannot be identified for any reasons, the first respondent shall pass reasoned orders within twelve weeks from the date of receipt of this order. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1.The District Revenue Officer,
District Collectorate Office,
Tiruchirappalli.

2.The Inspector of Police,
Thottiyam,
Trichy District.

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-5157[F] dated 07/02/2020)

ORDER MADE IN

W.P. (MD) .No.18701 of 2015

06.02.2020