



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.4381 of 2016

and

WMP (MD)No.3911 of 2016

T.David Danial

: Petitioner

Vs.

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Superintendent of Police,
Kanyakumari District, Nagercoil.

3.The Revenue Divisional Officer,
Padmanabapuram, Kanyakumari District.

4.The Tahsildar, Vilavancode,
Kanyakumari District.

5.S.Titus

6.S.Elsibai

7.Sahu Alexander

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents particularly the respondents 1 to 4 to remove the dead body having been buried illegally in the property bearing Rs.No.608/1, Plot No.6, Pacode Village, Kanyakumari District by the respondents 5 to 7 in pursuance of the petitioner's representation, dated 02.11.2015 submitted in person to the 1st respondent forthwith.

For Petitioner

:Mr.T.S.R.Venkatramana
and Mr.S.Prithiviraj

For R1 to R4

:Ms.M.Ananthadevi
Government Advocate (Crl.side)

For R5

:Mr.S.Titus
Party in person



O R D E R

This Writ Petition has been filed to direct the the respondents particularly the respondents 1 to 4 to remove the dead body having been buried illegally in the property bearing Rs.No.608/1, Plot No.6, Pacode Village, Kanyakumari District by the respondents 5 to 7 in pursuance of the petitioner's representation, dated 02.11.2015 submitted in person to the first respondent forthwith.

2.The learned counsel appearing for the petitioner would submit that without going into the prayer sought for in this Writ Petition, he restricted his prayer that he already filed a suit for injunction in O.S.No.163 of 1998 on the file of the learned District Munsif, Kulithurai as against the respondents 5 to 7 herein. Now the petitioner also mandated the prayer for recovery of possession and also mandatory injunction remove all the construction put up by the defendants. The said suit may be directed to dispose within a stipulated time, since the suit is pending for the past twenty two years.

3.Considering the above submission made by the learned counsel for the petitioner, the prayer sought for by the petitioner cannot be granted now. Hence, this Writ Petition is devoid of merits and it is dismissed. No costs. However, the trial Court is directed to complete the trial in O.S.No.163 of 1998 within a period of six months from the date of receipt of a copy of this order. It is also made clear that the petitioner as well as the respondents 5 to 7 are directed to co-operate for trial. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Superintendent of Police,
Kanyakumari District, Nagercoil.



3.The Revenue Divisional Officer,
Padmanabapuram,
Kanyakumari District.

4.The Tahsildar,
Vilavancode,
Kanyakumari District.

5.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to M/s.T.TITUS, Advocate (SR-21408[F] dated 06/11/2020)

W.P. (MD)No.4381 of 2016
and

WMP (MD)No.3911 of 2016
04.11.2020

ARK (CO)
TR(23.11.2020) 3P 7C