



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.06.2021

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

W.P.(MD)No.9519 of 2021

S.Kayalvizhi

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

3.The Deputy Superintendent of Police,
Paramakudi Sub-Division,
Paramakudi,
Ramanathapuram District.

4.The Tahsildar,
Kauthi Taluk,
Kamuthi,
Ramanathapuram District.

... Respondents

5.M.Mohan Prakash

... Respondent/Defacto
Complainant

(5th respondent is impleaded as respondent as per the order of this Court, dated 10.06.2021 in WMP(MD)No.7499 of 2021 in WP(MD) No.9519 of 2021 by GCSJ)

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to issue necessary direction to the respondents No.2 to 4 to conduct exhumation on the body of the petitioner's deceased father A.R.Malaichamy, buried in the burial ground at Nandhicherry Village, Sadayanenthal Panchayat, Kamuthi Taluk, Ramanathapuram District, in my presence, by giving proper protection to the petitioner, to perform last rites on the body of her deceased father based on the petitioner's E-mail representation in the form of complaints dated 12.05.2021, made to the respondents herein.



For Petitioner : Mr.K.Kannan
For R1 to R4 : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For R5 : Mr.Rajakarthikeyan

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O R D E R

This Writ Petition has been filed seeking a direction to the the first respondent to issue necessary direction to the respondents 2 to 4 to conduct exhumation on the body of the petitioner's deceased father A.R.Malaichamy, buried in the burial ground at Nandhicherry Village, Sadayanenthal Panchayat, Kamuthi Taluk, Ramanathapuram District, in the presence of the petitioner by giving proper protection to her to perform last rites to her deceased father based on her E-mail representation in the form of complaint dated 12.05.2021, made to the respondents herein.

2. A series of interim orders have been passed by this Court on various dates. Such as 04.06.2021 and 10.06.2021. By the order dated 10.06.2021, the petitioner was directed to file an Additional Affidavit with regard to the allegations made in the petition as well as the counter. To that effect, the petitioner has been filed the Additional Affidavit today. Para 4 of the Additional Affidavit runs like this:-

"I further submit that the 3rd respondent filed the Counter Statement and on reading of the Counter Statement, the screen of suspicion with regard to the cause of the death of my father is lifted by averring that my father died due to cardiac arrest and thereby, I am not pressing the first prayer and as far as the second prayer is concerned, the 3rd respondent properly gave protection to me to perform my last rites in the burial ground on 10.06.2021 as rightly averred in the Counter Statement of the 3rd respondent. The Writ Petition came up for hearing before this Hon'ble Court on 10.06.2021 and this Hon'ble Court was pleased to direct me to file the affidavit to the effect that the second prayer sought for in the Writ Petition has also been served and accordingly I am filing this affidavit."

3. So, by recording the submission made by the learned counsel for the petitioner through the Additional Affidavit, nothing survives for further adjudication and consideration.



4. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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.

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 3.The Deputy Superintendent of Police,
Paramakudi Sub-Division,
Paramakudi, Ramanathapuram District.
- 4.The Tahsildar,
Kauthi Taluk,
Kamuthi, Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD)No.9519 of 2021

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