



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2021

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.10313 of 2021

A.Veerakumar

... Petitioner

Vs.

- 1.The District Collector,
Theni District.
- 2.The Superintendent of Police,
Theni District.
- 3.The Inspector of Police,
K Vizhakku Police Station,
Aandipatti Vattam, Theni District.
- 4.The Sub Inspector of Police,
Periyakulam Police Station.
- 5.The Dean
Government Medical College Hospital,
K Vizhakku, Aandipatti Vattam,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the concerned persons/authorities pursuant to the representation of the petitioner dated 28.04.2021 and for a consequential direction to the respondents to provide compensation for denial of decent burial/cremation of petitioners father Ayyavu due to the negligent act of the respondents 3 to 5.

For Petitioner : Mr.A.Subramanian

For R1 to R4 : Mr.T.Senthil Kumar
Additional Public Prosecutor

For R5 : Mr.C.Susikumar



ORDER

The petitioner Thiru.Veera Kumar is the son of Ayyavu. Ayyavu was admitted in the Government Medical College Hospital at K Vilakku on 16.04.2021. He had met with an accident while walking near Peiriyakaliamman Kovil. He passed away on 18.04.2021 at around 6.30 a.m. Unfortunately, the body was not immediately handed over. Later, inadvertently, the petitioner's father's body was handed over to some other family. As a result of this exchange of bodies, the petitioner's family was unable to perform the final rites in a proper manner. The petitioner therefore gave a representation on 28.04.2021 seeking action against the persons concerned. Since no action was taken on the petitioner's complaint, this Writ Petition came to be filed. Notice was issued.

2. When the matter was taken up for hearing, an offer was made by the counsel representing the fifth respondent. It is stated that mistake had inadvertently occurred and the concerned officials truly regret the same. In order to give a quietus to the whole issue, a sum of Rs.2,00,000/- was raised.

3. When the matter was taken up for hearing on the previous occasion, I insisted that the petitioner as well as the petitioner's mother should appear before me. Today, the petitioner's mother Kamatchi as well as his elder brother Manikandan are present. I explained the position to the petitioner's mother as well as the petitioner and also his elder brother and told them that it is open to them to pursue the matter on merits or accept the demand draft for a sum of Rs.2,00,000/- given by the fifth respondent towards full and final settlement of all their claims. The mother deliberated with her sons for about five minutes and ultimately, in my presence, she and her sons accepted the demand draft of Rs.2,00,000/- towards full and final settlement of all their claims.

4. The Writ Petition is accordingly disposed of. Since the issue has been given a quietus, the question of initiating any departmental action in this regard also does not arise. No costs.

Sd/-

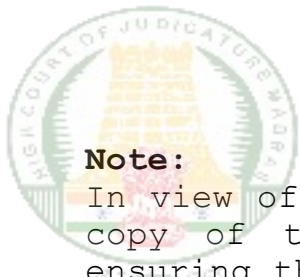
Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Theni District.
- 2.The Superintendent of Police,
Theni District.
- 3.The Inspector of Police,
K Vizhakku Police Station,
Aandipatti Vattam, Theni District.
- 4.The Sub Inspector of Police,
Periyakulam Police Station.
5. The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-34707[F] dated
17/11/2021)

W.P. (MD) No.10313 of 2021
12.11.2021

_RD(29.11.2021) 3P 7C