



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 21803 of 2021

S.Chelladurai

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Deputy Superintendent of Police,
Srivaikundam Sub Division,
Thoothukudi District.
4. The Inspector of Police,
Seithunganallur police station,
Thoothukudi District.

5. Seetha

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 2 to 4 to provide adequate police protection to exhume the petitioner's son's body from the backside of the petitioner's house and to burry the same at Nattarkulam Village Common Burial ground based on his complaint dated 03.12.2021.

For Petitioner : Mr.A.Robinson
For R-1 to R-4 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

For R-5 : No appearance.

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 to 4.

2. Though the fifth respondent has been served and her name is also printed in the cause list, she has not chosen to enter appearance.



3. The petitioner's son Sundar Singh passed away on 01.12.2021. He fell down from the building where he was doing some work and died as a result. After the performance of postmortem, body was handed over to the petitioner. Even though the petitioner was making arrangements, the fifth respondent who is none other than the petitioner's daughter-in-law and wife of the deceased Sundar Singh forcibly took away the body and buried the dead body in the backside of the petitioner's house. The backside of the petitioner's house is not a notified burial ground. Therefore, the petitioner wants to exhume his son's dead body and bury at an appropriate place.

4. I made it clear to the petitioner's counsel that the petitioner has to make the arrangements for exhumation, removal and burial of the dead body. The petitioner through his counsel undertakes that he will make all the arrangements and he will be satisfied, if respondents 3 and 4 grant protection for the same.

5. Since the dead body has been buried in a non-notified place and since the very act of burial is illegal, I permit the petitioner to exhume the dead body of his son and bury it at an appropriate place. Respondents 3 and 4 are directed to give police protection for the same. The petitioner will give advance intimation to respondents 3 and 4. The petitioner is directed to take medical precautions in this regard.

6. This writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

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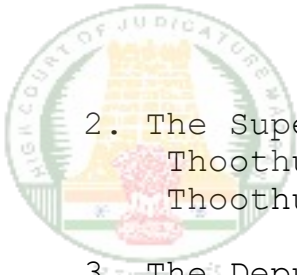
Sub Assistant Registrar(CS)

PMU

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,
Thoothukudi District,
Thoothukudi.



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

3. The Deputy Superintendent of Police,
Srivaikundam Sub Division,
Thoothukudi District.

4. The Inspector of Police,
Seithunganallur police station,
Thoothukudi District.

5. The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

W.P.(MD)No.21803 of 2021
23.12.2021

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