



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD)No.3070 of 2019

(Through video Conference)

WEB COPY

Subha

.. Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

3.The Superintendent of Police,
Kanyakumari District.

4.The Inspector of Police,
Susindram Police Station,
Kanyakumari District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents exhume the body of the petitioner's husband, Selvaraj and conduct postmortem in accordance with law by considering the petitioner's representation dated 07.12.2018.

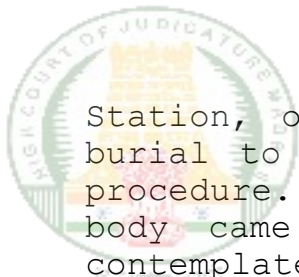
For Petitioner : Mr.P.Venkatesan

For Respondents : Mr.A.Thiruvdai Kumar
Additional Public Prosecutor

O R D E R

This writ petition is filed by one Suba, wife of Selvaraj, with an averment that her husband was suffering from cancer. On 30.06.2018, he went to Nallur village, but unexpectedly died at Nallur bus stop. Before she could get the information about the death of her husband and reach the place, the Inspector of Police, Susindram Police Station has removed the body and buried without following the procedure and therefore, the present writ petition is filed to exhume the body of the petitioner's husband and give death certificate.

2. The learned Additional Public Prosecutor would submit that on 30.06.2018, an unclaimed body was found near Nallur bus stop. One Selvam, the then Inspector of Police attached to Susindram Police



Station, on noticing the unclaimed dead body, had given a decent burial to him, but without knowing the consequence and the legal procedure. When this omission to report about the unclaimed dead body came to the notice of the higher officials, action was contemplated against the said Selvam, but unfortunately, by that time, he also had answered the call of the Almighty and gone to the land of unknown. Under such circumstances, the District Collector, who is the first respondent has now directed the revenue authorities to issue the death certificate and legal heir certificate recording the death of Selvaraj on 30.06.2018.

3. This Court, taking note of the predicament of the petitioner herein dispose the writ petition that exhuming the body at this point of time may not be of any consequence. However, the petitioner herein is entitled for getting a death certificate and legal heir certificate from the revenue authorities. Taking note of the death of Selvaraj on 30.06.2018 from the certificate issued by the Village Administrative Officer, Nallur, dated 30.11.2018, it appears that the revenue authorities are aware of the fact that Selvaraj expired on 30.06.2018. Therefore, based on the said fact, necessary entry shall be made in the relevant records and necessary certificate shall be issued to the petitioner herein within a period of thirty days from the date of receipt of a copy of this order.

4. With the above direction, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

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,
Kanyakumari District,
Kanyakumari.

2. The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Superintendent of Police,
Kanyakumari District.

4.The Inspector of Police,
Susindram Police Station,
Kanyakumari District

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

W.P. (MD) No.3070 of 2019
07.01.2022

MGJ(01.02.2022) 3P 6C