



W.P(MD)No.3402 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3402 of 2023

Ramkumar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Srirangam Revenue Division,
Srirangam, Trichy District.

2.The Tahsildar,
Marungapurai Taluk Office,
Marungapurai,
Trichy District.

3.The Sub Inspector of Police,
Puththanatham Police Station,
Puththanatham,
Trichy District.

4.Balaji

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to handover the body of Thananjeyan Son of Kutchu Bommu Naciker kept in the mortuary of Government Hospital, Manapparai to the



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petitioner and to give adequate police protection by the 3rd respondent to the petitioner and his brother Prabhu to perform the final rites on the basis of petitioner's representation dated 15.02.2023 .

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.B.Saravanan,
Addl. Government Pleader for R1 & R2.
Mr.R.Sivakumar,
Govt. Advocate (Crl. Side) for R3.
Mr.C.Vakeeswaran for R4.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's father had passed away. Due marital discord the petitioner's father had been residing at Thirunellippatti village. The issue that now arises is to whom the body of the deceased has to be handed over. Admittedly, the petitioner is the biological son of the deceased/Thananjeyan. The learned counsel for the fourth respondent asserts that the deceased/Thananjeyan had executed a registered Will in the year 2017 itself stating that the final rites should be performed by the fourth respondent. However, taking note of the sentiment of the petitioner and his brother, the fourth respondent is giving up the said right. In view of the stand taken by the



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learned counsel for the fourth respondent, this Court does not go into the said issue. Since the fourth respondent has graciously not contested the matter, the respondents 1 to 3 are directed to hand over the body of the deceased to the petitioner. The petitioner as well as his brother give an undertaking before this Court that the final rites will be performed at Marungapurai village. The cremation will also take place at Marungapurai village.

3.The writ petition is disposed of accordingly. No costs.

20.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy by today afternoon (20.02.2023)

To:

- 1.The Revenue Divisional Officer,
Srirangam Revenue Division,
Srirangam, Trichy District.
- 2.The Tahsildar,
Marungapurai Taluk Office,
Marungapurai, Trichy District.
- 3.The Sub Inspector of Police,
Puththanatham Police Station,
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Trichy District.



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G.R.SWAMINATHAN, J.

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