



W.P.(MD)No.3113 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.3113 of 2025

P.Lingasamy

... Petitioner

Vs.

1. The District Collector
Office of the District Collector
Madurai District
2. The Revenue Divisional Officer
Office of the Revenue Divisional Office
Thirumangalam Division, Thirumangalam
Madurai District
3. The Superintendent of Police
Office of the Superintendent of Police
Madurai District
4. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Thirumangalam Sub Division, Thirumangalam
Madurai District
5. The Inspector of Police
Kallikudi Police Station
Madurai District
6. The Dean
Government Rajaji Hospital
Madurai

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus directing to the respondents herein to conduct a re-Post mortem on the body of the petitioner's son namely Kalaiyan aged 23 years who died on 15.01.2025 by a special Team of Senior Professor of Forensic Department and under a video coverage with the help of the Scientific officer on the basis of petitioner's representation dated 23.01.2025 within the time stipulated by this Court

For Petitioner	: Mr.A.Raja
For Respondents	: Mr. M.Senthil Ayyanar
No.1 and 2	Government Advocate
No. 3 to 5	: Mr. M.Sakthi Kumar
	Government Advocate(Crl.Side)

ORDER

The prayer sought for in the present writ petition is to direct the respondents herein to conduct a re-Post mortem on the body of the petitioner's son namely Kalaiyan aged 23 years who died on 15.01.2025 by a special Team of Senior Professor of Forensic Department and under a video coverage with the help of the Scientific officer on the basis of petitioner's representation dated 23.01.2025 within the time stipulated by this Court.



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2.The learned counsel appearing for the petitioner would submit that the petitioner is the father of the deceased Kalaiyan aged 23 years who died on 15.01.2025 in a suspicious manner. On 08.01.2025 the deceased/son of the petitioner went to Kanmani (water pond) near the agricultural lands of the petitioner. While so, at about 11.00 pm., the parents of one Vanitha accompanied with other relatives assaulted his son by shouting how he can spoke with Vanitha. Therefore complaint was lodged before the police station. When they appeared for enquiry again the relatives of Vanitha along with one Ramarpandi and Muthulakshmi shouted on the petitioner's son and the said Mahalakshmi threatened the wife of the petitioner and to collect the cell phone of the petitioner' son and one lungi lying with them and warned not to participate in the enquiry proceedings before the police. In the meantime they also planned to kill the son of the petitioner/deceased. While so on 13.01.2025 the deceased/son of the petitioner went from his house and did not return back to his house. After search unable to trace out him hence he lodged a complaint on 14.01.2025 and the First Information Report has been registered in Crime No. 13 of 2025 as 'Man

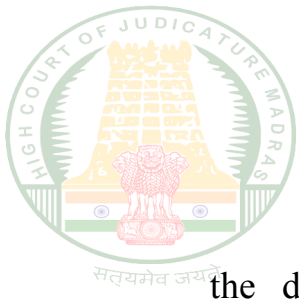


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Missing '. Thereafter the body of the deceased/son of the petitioner was found in kanmai (water pond). Thereafter post mortem was done on 15.01.2025 in a hurried manner without informing to the parents of the deceased. The son of the petitioner was attacked by some body and there are some injuries found in the body of the deceased/ son of the petitioner. Therefor there are some suspicion and they failed to video graph the post mortem and no qualified doctors conducted the post mortem on the petitioner's son. Therefore he sent a representation dated 23.01.2025 to conduct re-post mortem on the petitioner's son/deceased, but the same was not considered, hence he has filed the present petition.

3. The learned counsel appearing for the respondents would submit that based on the complaint given by the defacto complainant First Information Report has been registered in Crime No.13 of 2025 under the caption 'Man Missing' and thereafter on 15.01.2025 the Village Administrative Officer of Veppankulam around 10.30am., received an information that the body of the deceased is floating in Veppankulam tank. Immediately the investigation officer rushed to the spot and rescued the body with the help of fire service department and the body of



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the deceased was transmitted to the Government Rajaji Hospital, Madurai and post mortem was done. The post mortem was conducted by Dr.S.Sadasivam, Associate Professor, Department of Forensic Medicine, Madurai Medical College, Madurai and Dr.K. Prashant, Assistant Surgeon , Department of Forensic Medicine, Madurai Medical College, Madurai. During post mortem there are no external or internal injuries found in the body of the deceased and the medical officers have detached viscera(Stomach and its contents), small intestine and its contents were preserved and sent for chemical examination. Thereafter the investigation is under progress. The petitioner has refused to take the body of the deceased. The learned Government Advocate also submitted that already the body of the deceased was at the decomposed stage. Even though if it is preserved in the mortuary decomposition will be spread over the body and it is not possible to conduct re-post mortem.

4. Heard both sides and perused the materials available on record.

5. In this case there is no dispute that the deceased died in a suspicious manner and post mortem was also conducted. However post



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mortem was not videographed and as per the post mortem report no external or internal injuries were found in the body of the deceased. According to the petitioner without informing to the parents of the deceased post mortem was conducted and there have been some injuries in the body of the deceased. It is admitted fact that the entire post mortem was not videographed and no reasons have been stated for non recording of the video. Therefore in order to to have a fair investigation it is appropriate to direct the authorities to conduct re-post mortem with qualified doctors by video graphing the post mortem of the deceased/son of the petitioner.

6. So far as conduct of re- post mortem is concerned it is for the sixth respondent to decide whether the body is fit for re-post mortem. If it is fit for re- post mortem then qualified medical officers can conduct re-post mortem with video recording and by following all legal formalities within one week from the date of this order and thereafter the petitioner is directed to receive the body of the deceased/son of the petitioner.



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7. With the above direction, this Writ Petition stands allowed. No

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costs.

10.02.2025

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy on 10.02.2025

To

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Madurai District
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Kallikudi Police Station, Madurai District
6. The Dean
Government Rajaji Hospital, Madurai
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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