

W.P.(MD)No.14005 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.14005 of 2025

C.M.Sethu Muthuraj

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai District,
Madurai.

3.Paarkavi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to pass orders permitting the petitioner to conduct the final rites of Mrs.Desiya Rani who died on 30.04.2025 and whose body is kept in the mortuary at the Government Rajaji Hospital, Madurai, as per her last wishes.

For Petitioner	: Mrs.Porkodi Karnan
For R1 & R2	: Mr.K.S.Selvaganesh Additional Government Pleader
For R3	: Mr.V.Chandrapandi

ORDER

The petitioner is the Managing Director of Surabhi Trust. One Desiya Rani was admitted in the said Surabhi Trust and she has been under the care of



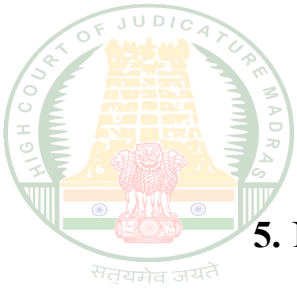
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the petitioner Trust for the last five years and more. The said Desiya Rani developed health complications and she was admitted in the Government Rajaji Hospital, where she passed away on 30.04.2025.

2. It is the case of the writ petitioner that the said Desiya Rani has executed a Will on 24.04.2025 in which she has stated that her last rites after her death has to be performed by people from the petitioner Trust. The said Will was duly registered at SRO Thiruparankundram, Madurai. In the said Will, the said Desiya Rani had made it clear that the third respondent or her mother shall not have any right to perform her last rites.

3. The learned counsel for the petitioner submits that subsequent to the death of Desiya Rani, her body is preserved at the mortuary at Government Rajaji Hospital.

4. The learned counsel for the third respondent would submit that the third respondent has strong objections with regard to the truth and genuineness of the said Will dated 24.04.2025. The learned counsel for the third respondent would further submit that the mother of the said Desiya Rani is alive and she is willing to perform the last rites of her daughter.



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5. No doubt, the said Will is a registered Will and it was executed at the petitioner Trust on the private request by the deceased Desiya Rani. In the said Will, there is a specific averment that the testatrix did not desire the third respondent or her mother Devika, who is the sister of the deceased to perform her last rites in the event of her demise. There is also a specific direction that her last rites shall be conducted by any person from the petitioner Trust.

6. The mother of the deceased Desiya Rani is alive. Further, there is no prohibition in the said Will for the mother of testatrix to perform the last rites. The deceased testatrix has only expressed her anguish towards her sister Devika and her daughter Paargavi, who is the third respondent in this writ petition.

7. Considering the above stated facts, this Court is of the view that the mother of the deceased can be given a first preference to perform the last rites of her daughter, if she so desires.

8. The jurisdictional Police namely, the Inspector of Police, Tirunagar Police Station, Madurai, shall personally enquire with the mother of the deceased by name, Panjavarnam with regard to her willingness to perform the last rites of her deceased daughter Desiya Rani. If the mother is willing to



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perform the last rites, the Government Rajaji Hospital, Madurai, shall release the mortal remains from the mortuary to enable the mother to perform the last rites and to complete the ceremonies. It is made clear that the representatives of the petitioner Trust as well as the third respondent shall be allowed to participate in the final rites and ceremonies.

9. However, on enquiry by the Inspector of Police, Tirunagar Police Station, Madurai, if the mother of the deceased expresses her unwillingness to perform the last rites, then, as per the wishes expressed in the Will, without prejudice to the truth and genuineness of the said Will, which is left open to the third respondent to contest before the competent Civil Court, any of the representatives of the petitioner Trust shall perform the last rites.

10. With the above directions, this writ petition is disposed of. No costs.

08.05.2025

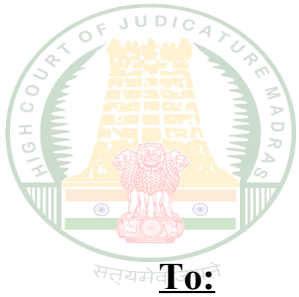
NCC:yes/no

Index:yes/no

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Note: Issue order copy on 09.05.2025.



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P.B.BALAJI, J.

CM

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