



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.21149 of 2015

C.M.Paulraj

... Petitioner

Vs.

1.The Home Secretary,
State of Tamil Nadu,
Secretariat, Fort St., George,
Chennai 600 009.

2.The Director General of Police,
Office of the Director General of Police,
Dr.Rathakrishnan Road,
Chennai.

3.The Superintendent of Police,
Office of the Superintendent of Police
at Nagercoil,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to display the list of arrested persons in all Superintendent of Police office in the notice board in transparent manner by implement the order passed by the Honble Supreme Court of India in D.K. Basu case in (1997) 1 Supreme Court case 416 and to direct the respondent No. 1 and 2 to display the name of the arrested persons Crime Number Police Station and other relevant particulars about the arrested persons in tamilnadu police website in transparent manner with day by day update information.

For Petitioner

: Mr.R.Alagumani

For Respondents

: Mr.A.K.Baskarapandian,
Special Government Pleader.

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioner who is a practising Advocate has come up with the above writ petition seeking a mandamus to direct the respondents to display the list of arrested persons in all the offices of the Superintendent of Police in a notice board in a transparent manner.

2.Heard Mr.R.Alagumani, learned counsel for the petitioner.

3.The basis on which the petitioner has come up with the above public interest litigation, is the decision of the Supreme Court in D.K.Basu Vs.State of West Bengal, (1997) 1 SCC 416. In paragraph 35 of the said decision, the Supreme Court issued a set of guidelines to be followed in all the cases of arrest and detention. Direction 11 contained in paragraph 35 of the said decision reads as follows:-



"11.A police control room should be provided at all district and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board".

WEB COPY

4. According to the petitioner, the notice board as contemplated in the above direction is not maintained in some of the districts as Kanyakumari. But as seen from the affidavit of the petitioner, he claims to champion the cause of the persons accused of any offence and arrest and detained by the police. Even from their own point of view, they have a right of privacy which to some extent has been recognised by the Indian Courts. Therefore, if an arrested person seeks protection of the right to privacy, the display of his name would be an infringement of such a right. From the point of view of the members of the public, this petition is not filed. Therefore, we do not think that the prayer made in the writ petition can be granted. Hence, the writ petition is dismissed. No costs. Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Home Secretary,
State of Tamil Nadu,
Secretariat, Fort St., George,
Chennai 600 009.
2. The Director General of Police,
Office of the Director General of Police,
Dr. Rathakrishnan Road,
Chennai.
3. The Superintendent of Police,
Office of the Superintendent of Police
at Nagercoil,
Kanyakumari District.

+1cc to special Government Pleader SR.No.68169

sm:GSV-An:09.12.2015:2P/5C

Writ Petition (MD) No.21149 of 2015
27.11.2015