

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.36169 of 2016

and

W.M.P.Nos.31126 & 31127 of 2016

Tamil Nadu Pan Beeda and

Zarda Traders Association,

No.163, Angappa Naicken Street,

Chennai - 600 079.

Regn.No.341/2007,

Rep. by its Secretary J.Santosh Kumar.

.... Petitioner

- Vs -

1. The Home Secretary,

Government of Tamil Nadu,

Secretariat, Chennai - 600 009.

2. The Secretary to Government,

Health and Family Welfare Department,

Government of Tamil Nadu,

Secretariat, Chennai - 600 009.

3. The District Collector,

Singaravelar Maligai,

Rajaji Salai, Chennai - 600 001.

4. The Director General of Police,

Dr.Radhakrishnan Salai,

Chennai - 600 004.

5. The Commissioner of Police,

Vepery, Chennai - 600 007.

.... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to pay suitable monetary compensation to the members of the petitioner association as victim of police atrocities, illegal detention and harassment during September 2016 to till date and pass suitable orders.

For Petitioner : Mr.R.Prabhakaran

For Respondents : Mr.A.N.Thambidurai

Special Government Pleader

O R D E R

The Tamil Nadu Pan Beeda and Zarda Traders Association, the petitioner herein, has come forward with this writ petition seeking a Mandamus directing the respondents to pay suitable monetary compensation to the members of the petitioner association as victim of police atrocities, illegal detention and harassment during September 2016 to till date.

2. At the outset, it has to be stated that the petitioner has no locus standi to file the present writ petition. The relief sought for by the petitioner in this writ petition cannot be granted as laid down by the Division Bench of this Court in the decisions reported in (Formation of Indian Network Marketing Association, rep. By its President vs. M/s. Apple FMCG Marketing Pvt Ltd., rep. By its Chief Executive Officer and others) (2005) Writ Law Reporter 321 and (Tamilaga Asiriyar Kootani, rep. By the General Secretary V. Annamalai vs. The Government of Tamil Nadu, rep. By its Secretary to Government, School Education Department, Chennai - 9 and others) 2005 Writ Law Reporter 389.

3. In the light of the aforesaid decisions of this Court, the petitioner association has no locus standi to file the present writ petition and the writ petition has to be dismissed in limine.

4. Further, the petitioner association has sought for compensation for the alleged custodial death of one of its members Mr.Srikanth. As for as the custodial death of one of his members is concerned, the learned Special Government Pleader would submit that the said Srikanth was admitted in Jail hospital on 03.10.2016 and thereafter in Government Royapettah Hospital, Chennai. On 07.10.2016, he was released on bail. While he was taking treatment in Royapettah hospital, he died on 13.10.2016. Hence there is no custodial death. Taking note of the same, this Court directed the Dean, Government Royapettah Hospital to appoint two doctors for conducting postmortem.

5. Today, the learned Special Government Pleader submitted a letter dated 17.10.2016 addressed to him by the Director and Superintendent (FAC), Government Roypettah hospital stating that two doctors have conducted postmortem on 14.10.2016 and the postmortem certificate was also enclosed. If there is any grievance, the family of the said individual can approach the Court for appropriate remedy but the Association cannot take up their case.

6. The learned Special Government Pleader has also brought to the notice of this Court the Tamil Nadu Prohibition of Smoking and Spitting Act, 2002 which prohibits storage, sale and distribution of cigarettes, beedies, cigar, supari

with tobacco, zarda, snuff or any other smoking or chewing substance etc., and sought for dismissal of the writ petition.

7. In view of the above, the writ petition is dismissed in limine. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
3. The District Collector,
Singaravelar Maligai,
Rajaji Salai, Chennai - 600 001.
4. The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.
5. The Commissioner of Police,
Vepery, Chennai - 600 007.

+1cc to Mr.R.Prabhakaran, Advocate, S.R.No.61142
+1cc to the Government Pleader, S.R.No.61008

W.P.No.36169 of 2016
and

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NRJK(CO)
CA(27/12/2016)