

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.7281 of 2016

Prisoners Rights Forum,
rep. by its Director P.Pugalthi,
No.5, 4th Floor,
Sunkurama Street,
Chennai-600 001. ... Petitioner

-vs-

- 1.State of Tamil Nadu,
rep. by the Secretary to Government,
Home Department,
Secretariat, Chennai-600 009.
- 2.The District Collector,
Chennai District,
Chennai Collectorate,
Chennai-600 001.
- 3.P.C.Subbulakshmi,
Sub Divisional Magistrate &
Personal Assistant (ULT) to the Collector,
Chennai Collectorate,
Chennai-600 001.
- 4.The Inspector of Police,
F-1, Chintadripet Police Station,
Chintadripet,
Chennai-600 002.
- 5.V.Karuppannan,
Jailor (in charge),
Chennai Central Prison (Remand)
Chennai
Presently working as
Deputy Inspector General of Prisons (Chennai Range)
Thalamuthu Natarajan Maaligai,
Egmore, Chennai-600 008.

6.C.Rathan,
Assistant Jailor,
Chennai Central Prison (Remand),
Chennai.

7.C.Manickam,
formerly Dy. Superintendent of Police,
State Human Rights Commission,
Chennai. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records in the order dated 30.06.2014 in CrI. M.P.No.4128 of 2014 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai and the consequential G.O(Ms) No.623, Home (Pol.1A) Department dated 24.8.2015 issued by respondent No.1 and quashing the same, and directing respondents 1 and 2 to hand over the entire records of the proceedings under PSO 151 with regard to the death of Mr.Subramanian (undertrial prisoner NO.10403) including G.O.No.1821 dated 28.11.2007, Public (Law and Order - E) Department, dated 28.11.2007 to respondent No.4 and further directing respondent No.4 to commence and complete the investigation within a reasonable time as may be determined by this Hon'ble Court.

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.R.Kamalanathan
Addl. G.P. for R1 to R4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We are of the view that the Public Interest Litigation against the judicial order would not be maintainable. But the petitioner is not without any remedy, as he may have recourse to challenge the order in accordance with law.

2. We close the writ petition with liberty to the petitioner to move the Registry and to convert the same into appropriate proceedings in accordance with law. No costs. Consequently, WMP.No.6476 of 2016 is also closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/
Sub Asst. Registrar

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To

1.The Secretary to Government,
Home Department,
Secretariat, Chennai-600 009.

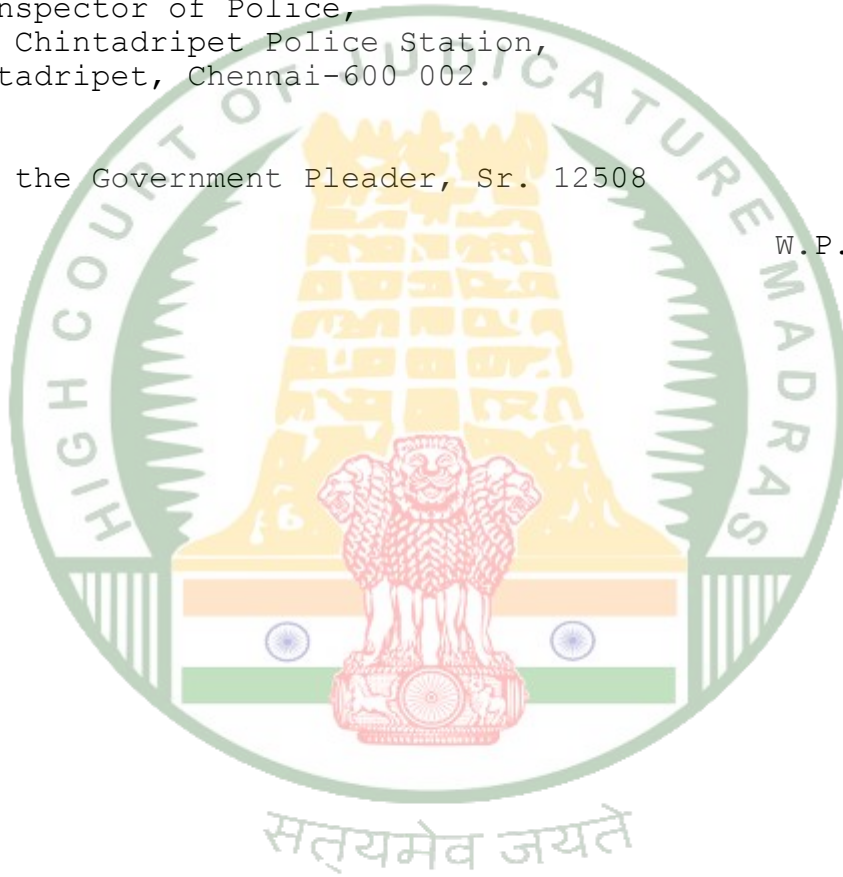
2.The District Collector,
Chennai District,
Chennai Collectorate, Chennai-600 001.

3.The Inspector of Police,
F-1, Chintadripet Police Station,
Chintadripet, Chennai-600 002.

1 cc to the Government Pleader, Sr. 12508

W.P.No.7281 of 2016

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