

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH
and

THE HONOURABLE Mr. JUSTICE M.SUNDAR

W.P.Nos.21167 & 153 of 2017

and W.P.(MD) No.323 of 2017

and WMP.Nos.22060 of 2017

W.P.No.21167 of 2017:

S.A.Miyajan

... Petitioner in
Person

Vs.

- 1.State of Tamil Nadu,
rep. by its Chief Secretary,
Fort St. George,
Chennai - 600 009.
- 2.Union of India,
rep. by its Secretary to Government,
Government of India,
Home Department,
New Delhi.
- 3.Sasikala
- 4.M/s.Apollo Hospitals,
rep. by its Managing Director,
Greams Road,
Chennai - 600 006.
- 5.The General Secretary,
All India Anna Dravida Munnetra Kazhagam,
Lloyds Road,
Chennai - 600 014.
- 6.Nakeeran,
rep. by its Editor,
Jani Jahan Khan Road,
Royapettah,
Chennai - 600 014.

... Respondents

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W.P.No.153 of 2017:

S.Gnanasekaran

... Petitioner

Vs.

- 1.The Union of India,
rep. by its Secretary to Union Government,
Home Department,
New Delhi.
- 2.The State of Tamil Nadu,
rep. by its Chief Secretary to the Government,
Secretariat, Chennai - 600 009.
- 3.The State of Tamil Nadu,
rep. by its Secretary to the Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
- 4.The Director General of Police,
Head of the Police Force,
Chennai.
- 5.All India Institute of Medical Science (AIIMS),
Ansari Nagar,
New Delhi - 110 029.
- 6.The Apollo Hospitals,
Greaves Road,
Chennai.
- 7.All India Anna Dravida Munnetra Kazhagam,
Head Office, No.226, Avvai Shanmugam Salai,
Royapettah,
Chennai - 600 014.

... Respondents

W.P. (MD) No.323 of 2017:

T.Ramasamy

... Petitioner

Vs.

- 1.The Ministry of Home Affairs,
rep. by its Home Secretary,
North Block, Central Secretariat,
New Delhi - 110 001.

- 2.The Director,
Central Bureau of Investigation,
Plot No. 5B, 6th Floor,
CGO Complex,
Lodhi Road,
New Delhi - 110 003.
- 3.The State of Tamil Nadu,
rep. by the Chief Secretary to State,
Secretariat Buildings,
Fort St. George,
Chennai.
- 4.V.K.Sasikala
- 5.The Chairman,
Apollo Hospitals,
No.21, Greams Lane,
Chennai. ... Respondents

PRAYER in W.P.No.21167 of 2017: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to appoint a judicial enquiry commission headed by a Retd. High Court Justice assisted by two leading Doctors to ascertain the real cause of death of Dr.J.Jayalalitha Chief Minister of Tamilnadu on 05.12.2016 at the 4th respondent's Hospital and if found to be on human negligence and malafides the persons responsible therefore and the nature of punishment if any to be given to them.

PRAYER in W.P.No.153 of 2017: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the first respondent to appoint a committee consisting of medical experts associated with Central Bureau of Investigation with regard to enquiry for the death of Selvi J.Jayalithaa, who was then the Chief Minister of Tamil Nadu, by giving power to them to seize the records relating to the treatment, drugs administered, therapy performed and various life saving equipments used by the doctors for past two years from the physician who attended the ailment during the year 2015 to October, 2016 and post treatment given by Apollo Hospital and to ascertain the exact cause of her death, consequently direct the first respondent to initiate the criminal proceedings against the persons who are instrumental to the said unlawful acts to cause the death of Selvi J.Jayalalithaa after the conclusion arrived by the expert committee.

PRAYER in W.P.(MD) No.323 of 2017: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing 1st and 3rd respondents to handover all the documents pertaining to the affairs of the Hon'ble Chief

Minister Ms.J.Jayalalitha's hospitalization at the 5th respondent hospital from 22.09.2016 to 05.12.2016 to the 2nd respondent and consequential direction to the 2nd respondent to conduct the enquiry and punish the wrong doers who committed the crime against the Hon'ble Chief Minister within the period stipulated by this Hon'ble Court.

For Petitioner in : No Appearance
W.P.No.21167/2017

For Petitioner in : Mr.R.Gandhi
W.P.No.153/2017 Senior Counsel
for M/s.M.R.Elavarasan

For Petitioner in : Mr.S.Ananth C.Rajesh
WP(MD) No.323/2017

For Respondent No.1 in : Mr.T.N.Rajagopalan
W.P.No.21167/2017 Government Pleader (i/c)
Respondents 1 to 3
in W.P.No.153/2017 &
Respondent No.3 in
WP(MD) No.323/2017

For Respondent No.2 in : Mr.Su.Srinivasan
W.P.No.21167/2017 Asst. Solicitor General
Respondent Nos.1 & 2
in WP(MD)No.323/2017

For Respondent No.1 in : Mr.J.Madanagopal Rao
W.P.No.153/2017

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

No representation on behalf of the petitioner in W.P.No.21167 of 2017. Heard the learned counsel for the petitioners in W.P.Nos.153 of 2017 and W.P.(MD) No.323 of 2017.

2. It is brought to our notice by Mr.T.N.Rajagopalan, learned Government Pleader (i/c) that after filing of these writ petitions, a retired High Court Judge has been appointed to conduct an enquiry into the circumstances and situation leading to the hospitalization of late Chief Minister J.Jayalalithaa, vide G.O.Ms.No.817, Public (S.C.) Department, dated 25.09.2017 and G.O.Ms.No.829, Public (S.C.) Department, dated 27.09.2017.

3. The appointment of Commission of Inquiry consisting of a retired Judge of the High Court of Madras to inquire into the

circumstances and situation leading to the hospitalization of the late Chief Minister was challenged in W.P.No.25940 of 2017 and the said writ petition has been dismissed by the First Bench of this Court vide order dated 04.10.2017 and thus, the appointment of Commission of Inquiry was upheld.

4. It is also brought to our notice that writ petition being W.P.No.25652 of 2017 filed by one Muruganandham seeking to appoint a Judicial enquiry headed by a retired High Court Judge has been dismissed as infructuous by the First Bench of this Court vide order dated 03.10.2017.

5. In such view of the matter, nothing survives for consideration in these writ petitions and the same are dismissed as infructuous. No costs. Consequently, WMP.No.22060 of 2017 is closed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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To

- 1.The Secretary to Union Government,
Union of India,
Home Department, New Delhi.
- 2.The Chief Secretary to the Government,
Secretariat, Chennai - 600 009.
- 3.The Secretary to the Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
- 4.The Director General of Police,
Head of the Police Force,
Chennai.

5.All India Institute of Medical Science (AIIMS),
Ansari Nagar,
New Delhi - 110 029.

6.The Director,
Central Bureau of Investigation,
Plot No. 5B, 6th Floor,
CGO Complex,
Lodhi Road,
New Delhi - 110 003.

+1 cc to Mr.S.A.Miyajan Advocate sr 7701
+1 cc to Mr.M.R.Elavarasan Advocate sr 76088
+1 cc to Mr.J.Madanagopal Rao Advocate sr 76415

W.P.Nos.2
1167 & 153 of 2017 & WP(MD) No.323 of 2017

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