

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2017

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THE HON'BLE Mr. JUSTICE P.D. AUDIKESAVALU

W.P.No.30735 of 2004

and

M.P.No. 37227 of 2004

Thirunavukkarasu

.. Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its Secretary,
Home Department, Fort. St.
George, Chennai-600 009.
2. The Director General of Police,
Government of Tamil Nadu,
Office of the Director
General of Police,
3. The State Human Rights Commission
Rep. by its Member, Tamil Nadu,
Royapettah, Chennai-600 014.
4. Mr.K.Prem Kumar
Superintendent of Police,
Cuddalore District.

.. Respondents

Writ Petition is filed under Article 226 of The Constitution of India praying for the issuance of a writ of Mandamus, or order or direction in the nature of Mandamus directing the respondents 1 & 2 to initiate action against the fourth respondent under the provisions of Tamil Nadu Subordinate Service (Discipline & Appeal) Rules 1955, forthwith and consequently forbear the fourth respondent from discharging official duty as Superintendent of Police.

For Petitioner : Mr.M.R.Jothimanian
For R-1 & R-2 : Mr.A.N.Thambidurai
Special Government Pleader

For R-4 : Mr.R.Parthiban

For R-3 : No Appearance

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ORDER

The relief sought in the writ petition is to direct the respondents 1 & 2 to initiate action against the fourth respondent under the provisions of Tamil Nadu Subordinate Service (Discipline & Appeal) Rules 1955, forthwith and consequently forbear the fourth respondent from discharging official duty as Superintendent of Police.

2. When the matter is taken up for hearing today, Mr.R.Parthiban, learned counsel appearing for the fourth respondent who entered appearance, has filed a memo stating that fourth respondent had attained superannuation and received all the terminal benefits and passed away and he died long back. Needless to add here that cause of action for the aforesaid relief sought against the fourth respondent, which is personal in nature, does not survive for consideration against his legal representatives or his estate.

3. In view of the aforesaid subsequent developments that have taken place, the writ petition is disposed accordingly as having abated. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

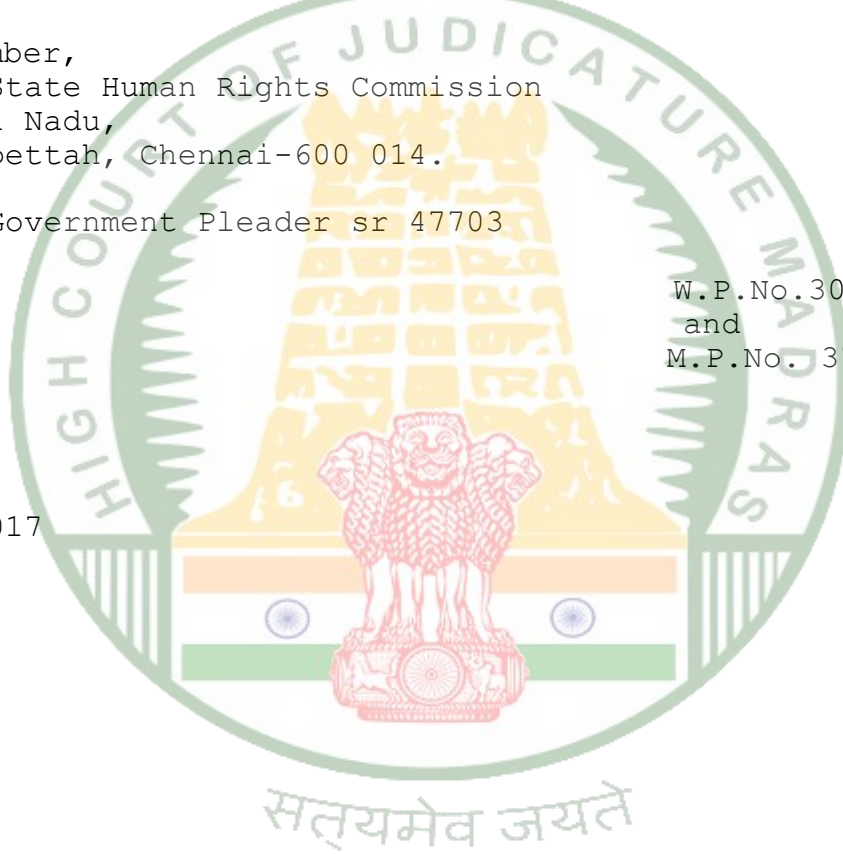
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To

1. The Secretary,
The State of Tamil Nadu
Home Department,
Fort. St. George,
Chennai-600 009.
 2. The Director General of Police,
Government of Tamil Nadu,
Office of the Director General of Police,
 3. The Member,
The State Human Rights Commission
Tamil Nadu,
Royapettah, Chennai-600 014.
- +1 cc to Government Pleader sr 47703

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