



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P. (MD) No. 24577 of 2016

WEB COPY

P.Thangavelu

: Petitioner

-Vs-

1.The State of Tamil Nadu
Represented by its,
The Chief Secretary,
Fort St.George,
Chepauk, Chennai-600 009.

2.The State of Tamil Nadu,
Represented by its,
The Secretary to Government,
Home Department,
Fort St.George,
Chepauk, Chennai-600 009.

3.The Inspector General of Police,
South Zone, Madurai.

4.The Superintendent of Police,
Superintendent Office,
Tirunelveli.

5.Mr.Prabhakaran,
The Inspector of Police,
Sankarankovil Police Station,
Tirunelveli District.

6.Mr.Selvakumar,
The Sub-Inspector of Police,
sankarankovil, Tirunelveli District.

: Respondents

PRAYER: Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the Respondents 1 to 4 to award a sum of Rs.10,00,000/- (Rupees ten lakhs only) as compensation to the petitioner for the brutal attack made by the Respondents 5 and 6 on 23.07.2013 at TASMAC wine shop No.10668, Sankarankovil, Tirunelveli District and consequently directing the respondents 1 to 4 herein to take appropriate disciplinary action against the respondents 5 and 6 herein for breach of public duty as per the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules 1955, r/w 3 (2) (vii) of SC/ST Prevention of Atrocities Act 1989 within a stipulated time fixed by this Court.



For Petitioner : Ms.T.Kalaiselvi

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

WEB COPY

ORDER

It is the case of the petitioner that he was working as a sales man in TASMACH shop in Sankarankovil and that on 23.07.2013, the police officers came to the TASMACH shop and assaulted him and took away 180 ml of whisky from him without paying money. It is alleged that a false case was foisted against the petitioner and was abused by mentioning his caste name.

2. Three cases have been registered against the petitioner in Crime Nos.136 of 2015, 138 of 2015, 139 of 2015 and charge sheets have also been filed before the concerned Court.

3. On the complaint lodged by the petitioner, a case in Crime No.132 of 2014 has been registered against the accused for various offences under SC and ST Act. This Court has stayed the prosecution that has been launched against the petitioner/accused in Cr.O.P.(MD).Nos.20676, 20677 and 20678 of 2016 on 01.11.2016. While so, the petitioner has filed the present petition for a direction to the State to give compensation to the petitioner for the false allegations that have been made against him by the police.

4. In the considered opinion of this Court, when the cases against the petitioners are still pending, the compensation as claimed for by the petitioner cannot be granted in the writ proceedings. The disputed questions of fact cannot be gone into the writ proceedings. Therefore, this Writ Petition is closed with liberty to the petitioner to work out his remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Chief Secretary,
State of Tamil Nadu
Fort St.George,
Chepauk, Chennai-600 009.

2.The Secretary to Government,

<https://hcservices.tn.nic.in/Services/> Tamil Nadu,

Home Department,
Fort St.George,Chepauk, Chennai-600 009.



3.The Inspector General of Police,
South Zone, Madurai.

4.The Superintendent of Police,
Superintendent Office,
Tirunelveli.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 55354
SSL/TSG
PSM/RSK/15.05.2017/3P/6C

W.P.(MD)No.24577 of 2016

Dated: 27.04.2017