



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.13278 of 2011

WEB COPY

K.Stalin

...Petitioner

Vs.

1.The Director General of Police,
Chennai-600 004.

2.The Superintendent of Police,
Thanjavur District,
Thanjavur.

3.Muthurasu,
Then Inspector of Police,
Tamil University Police Station,
Thanjavur.

4. Ravichandran,
Then Inspector of Police,
Tamil University Police Station,
Thanjavur.

5.Ganesan,
Police Constable working in
Tamil University Police Station,
Thanjavur.

...Respondents

PRAYER:Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pay Rs.10 lakhs as compensation for the illegal custody of the petitioner from 09.07.2009 or any other compensation as this Court may deem fit with interest till the date of realization.

For Petitioner : Mr.C.Jegannathan

For R1 & R2 : Mr.G.Muthukannan

learned Government Advocate

For R3 to R5 : Mr.P.Natarajan

O R D E R

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.10 lakhs as compensation for the illegal custody of the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard Mr.C.Jegannathan, learned counsel appearing for the petitioner, Mr.G.Muthukannan, learned Government Advocate appearing



for the respondents 1 & 2, Mr.P.Natarajan, learned counsel appearing for the respondents 3 to 5 and perused the materials available on record.

3.The case of the petitioner is that he was falsely implicated in Crime No.189 of 2009 on the file of the second respondent police and he was taken illegal custody by respondent police on 09.07.2009 and after filing Habeas Corpus Petition No.429 of 2009, the petitioner was remanded before the Judicial Magistrate on 22.07.2009. Hence the present Writ petition has been filed.

4.The learned counsel for the petitioner would submit that the petitioner's daughter made a representation to the second respondent on 14.07.2009 alleging that her father was kept in illegal custody. But he was remanded only on 22.07.2009 and further submitted that in the Criminal case, the petitioner was acquitted.

5.The learned Government Advocate appearing for the respondents would submit that the statement of the witnesses in the Criminal case would establish that the petitioner was not in illegal custody on 09.07.2009 and the disputed question of facts cannot be decided in this writ petition.

6. Consiering the facts and submissions of the learned counsel for the respondents, this Writ petition is dismissed with liberty to the petitioner to approach the competent Civil Court to redress his grievances. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1.The Director General of Police,
Chennai-600 004.

2.The Superintendent of Police,
Thanjavur District,
Thanjavur.

3.Muthurasu,
Then Inspector of Police,
Thamiraparani Municipality Police Station,
Thanjavur.



4. Ravichandran,
Then Inspector of Police,
Tamil University Police Station,
Thanjavur.

WEB COPY

5. Ganesan,
Police Constable working in
Tamil University Police Station,
Thanjavur.

+1cc to M/S. Veera Associates, Advocate SR.No. 79146

+1cc to M/S. N. Tamilmani, Advocate SR.No. 78818

+1cc to Special Government Pleader, SR.No. 79076

W.P. (MD) No. 13278 of 2011

dss/msa

JM/SV MMS/SAR 2/05.10.2017/3P/9C