

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8007 of 2007
and
M.P.Nos. 1 and 2 of 2007

B.G.Esther Rani

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Chief Secretary,
Fort St. George,
Chennai - 600 009.
2. The State of Tamil Nadu,
Rep. by its Secretary,
Public (Law and Order) Department,
Fort St. George,
Chennai - 600 009.
3. The District Collector,
Chennai District,
Rajaji Salai,
Chennai - 600 001.
4. The Additional District Magistrate,
Personnel Assistant to Collector,
Collectorate, Rajaji Salai,
Chennai - 600 001.
5. Dillibabu,
Sub-Inspector of Police,
P-1, Pulianthope Police Station,
Chennai - 600 012.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to register a case against the 5th respondent, Dilli Babu, Sub-Inspector of Police, formerly attached to P-1, Pulianthope Police Station and further directing the first and second respondents herein to pay Rs.5,00,000/- to the petitioner as compensation for custodial death of the petitioner's husband.

For Petitioner : Mr.M.Christopher
For Respondents : Mr.K.Ravikumar
Additional Government Pleader
for R1 to R4

O R D E R

The petitioner filed a Writ of Mandamus directing the respondents 1 to 4 to register a case against the 5th respondent, Dilli Babu, Sub-Inspector of Police, formerly attached to P-1, Pulianthope Police Station and further directing the first and second respondents herein to pay Rs.5,00,000/- to the petitioner as compensation for custodial death of the petitioner's husband.

2. The case of the petitioner is that the petitioner is the wife of the deceased B.L.Govindan, and she is having one male child namely G.Vicky, aged about 2½ years. Her husband was a contract worker in Corporation of Chennai, and he was the only bread winner of the family. On 13.12.2003, he went to a music shop nearby to pay cost for cassette purchased by him, during the transaction a wordy quarrel has been arisen between her husband and the shop owner one Kumar. The brother of the petitioner's husband went there to pacify the matter, at that time the Sub-Inspector of Police/5th respondent also came to that spot. Without enquiring about the matter, the petitioner's husband and his brother were beaten up ruthlessly by the 5th respondent and were taken to P-1 Police Station, Pulianthope, Chennai. Where the petitioner's husband fell unconscious and he was taken by the 5th respondent to a private hospital, where he was stated to be brought dead. Due to the attack of the 5th respondent, the petitioner's husband lost his life.

3. Since the petitioner's husband is a sympathiser of the Communist Party of India (Marxist). The said party made representation to the third respondent herein to take action against the concerned officials and also for the payment of compensation. Accordingly enquiry was ordered and the learned Additional District Magistrate/4th respondent, was appointed as enquiry officer in the matter. In that aspect alone, insofar as the police has registered a case on 13.12.2003 against her deceased husband and a counter case against the said Kumar. A case under Sections 448, 341 of I.P.C, in Crime No.705 of 2003, dated 13.12.2003 was registered against the petitioner's husband. The counter in Crime No.706/03, under Section 341, 323 I.P.C. was registered against the said kumar. But both the FIR were sent to the concerned Court only on 15.12.2003 without altering the sections

4. On perusal of the record it reveals that the petitioner's husband was allegedly died during the custodial

interrogation for which the enquiry was ordered against the Police officials. The petitioner made a representation to the third respondent and also to the Human Rights Commission and other Authorities to take appropriate action against the Sub-Inspector of Police, Pl, Pulianthope Police Station and also seeks compensation for custodial death.

5. Thereafter, the Government appointed the fourth respondent as enquiry officer and conducted enquiry about the death of the petitioner's husband. However, the enquiry report was not furnished to the petitioner and there was no action against the said Sub Inspector of Police/5th respondent. As against the inaction of the fourth respondent, the petitioner made a representation to the respondents 1 to 3. The said representation was considered by the 3rd respondent by its order dated 06.03.2006, informed to the petitioner that the enquiry report was already been sent to the Government and orders of the Government is awaited. The respondents were waiting for orders of the Government, aggrieved by the inaction the present writ petition is filed.

6. Though the petitioner's grievance was already considered by the Government and the Government had also appointed an enquiry officer/fourth respondent for conducting enquiry in respect of the death of the petitioner's husband.

7. On perusal of the record it reveals that till date the Government has not taken any decision. So in view of the above fact, I am inclined to issue a direction to the 1st respondent to pass appropriate orders within a period of three Months from the date of receipt of copy of this Order, if no Orders has been passed already. Accordingly, the writ petition is disposed of with the above direction. No costs.

dh

Sd/-

Assistant Registrar (CS VI)

// True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

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

2. The Secretary,
State of Tamil Nadu,
Public (Law and Order) Department,
Fort St. George,
Chennai - 600 009.

WEB COPY

3. The District Collector,
Chennai District,
Rajaji Salai,
Chennai - 600 001.

4. The Additional District Magistrate,
Personnel Assistant to Collector,
Collectorate, Rajaji Salai,
Chennai - 600 001.

+ 1 CC TO MR.M.RAJENDRAN, ADVOCATE SR 51095

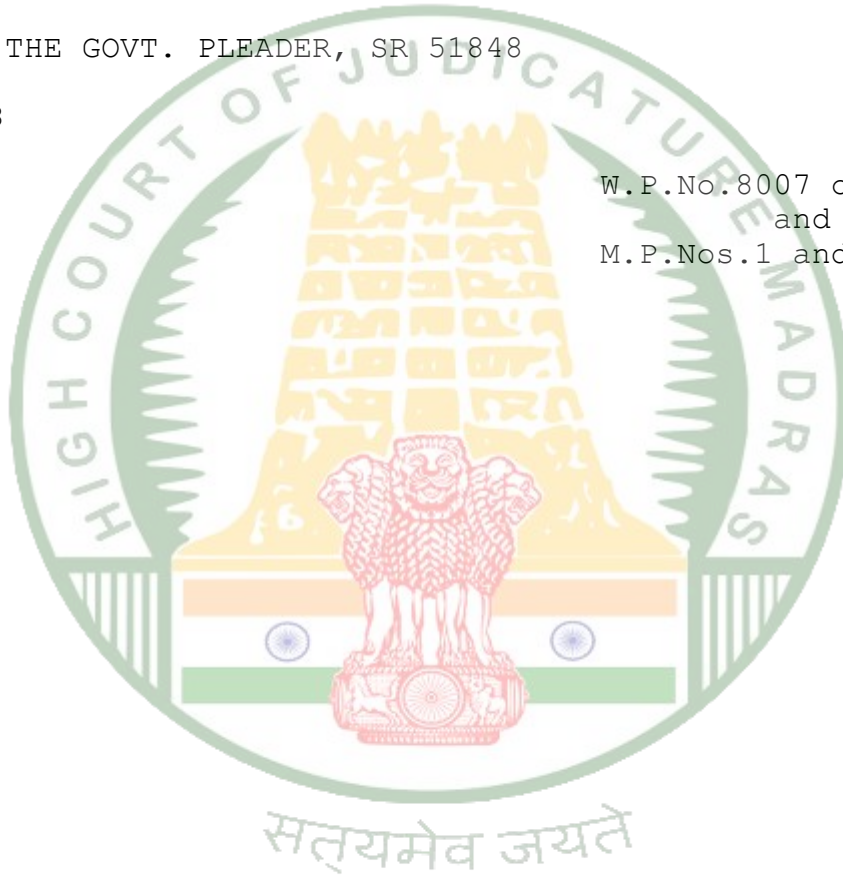
+ 1 CC TO THE GOVT. PLEADER, SR 51848

KR/4/10/18

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