

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.25564 of 2005

Selvaraj
S/o. Kannan

... Petitioner

Vs.

1. State of Tamilnadu,
rep. by its Secretary,
Department of Home,
Fort St. George,
Chennai 600 009.
2. The District Collector,
Vellore District,
Vellore.
3. The Superintendent,
Central Prison,
Vellore.
4. The Inspector of Police,
P.E.Wing,
Sathuvachari,
Vellore -9

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to grant Rupees five lakhs as compensation to the petitioners family by considering the representation of the petitioner's dated 27.12.2004.

For Petitioner : Mr. R.Sankarasubbu
For Respondents : Mr. R.Govindasamy,
Spl. G.P.

ORDER

This writ petition has been filed to consider the petitioner's representation dated 27.12.2004.

2. According to the petitioner, the petitioner's brother one Sami was taken into custody by the fourth respondent on

20.08.2003 without informing the grounds of arrest. Thereafter, the petitioner's brother was produced before the Court on 24.08.2003 and remanded to Judicial Custody. During the Course of detention, the detainee succumbed to internal injuries on 28.08.2003 and no treatment was given to him to save his life. Thereafter, the petitioner has made a representation to the first respondent on 27.12.2004 seeking for compensation of Rs.5 lakhs for the death of his brother. Since the representation was not considered, the present writ petition has been filed.

3. The respondent filed a counter affidavit stating that petitioner's brother Sami was arrested on 24.08.2003 and on the same day, he was remanded to judicial custody. Since the deceased was addicted to alcohol, he was admitted to Government Hospital, Vellore for treatment on 24.08.2003 itself. Subsequently, on 27.08.2003, he was declared dead in the hospital, and the respondent denied any custodial violation against the deceased.

4. The petitioner filed a reply affidavit disputing all those facts and alleging that the petitioner's brother died due to custodial violence.

5. I have heard the submissions made on either side and also perused the materials available on records carefully.

6. Since the writ petition has been filed with a limited prayer seeking direction to consider the petitioner's representation, without going into the merits of the case, this court is inclined to direct the first respondent to consider the petitioner's representation and pass suitable orders on merit. The petitioner is directed to give a copy of the representation dated 27.12.2004 to the first respondent within a period of two weeks from the date of receipt of a copy of this order, thereafter, the first respondent is directed to consider the representation of the petitioner and pass suitable orders on merits and in accordance with law, after giving opportunity to the petitioner, within a period of twelve(12) weeks .

7. With the above directions, this writ petition is disposed of. No costs.

s/d-

Assistant Registrar (J)

True Copy

Sub-Assistant Registrar

mrp

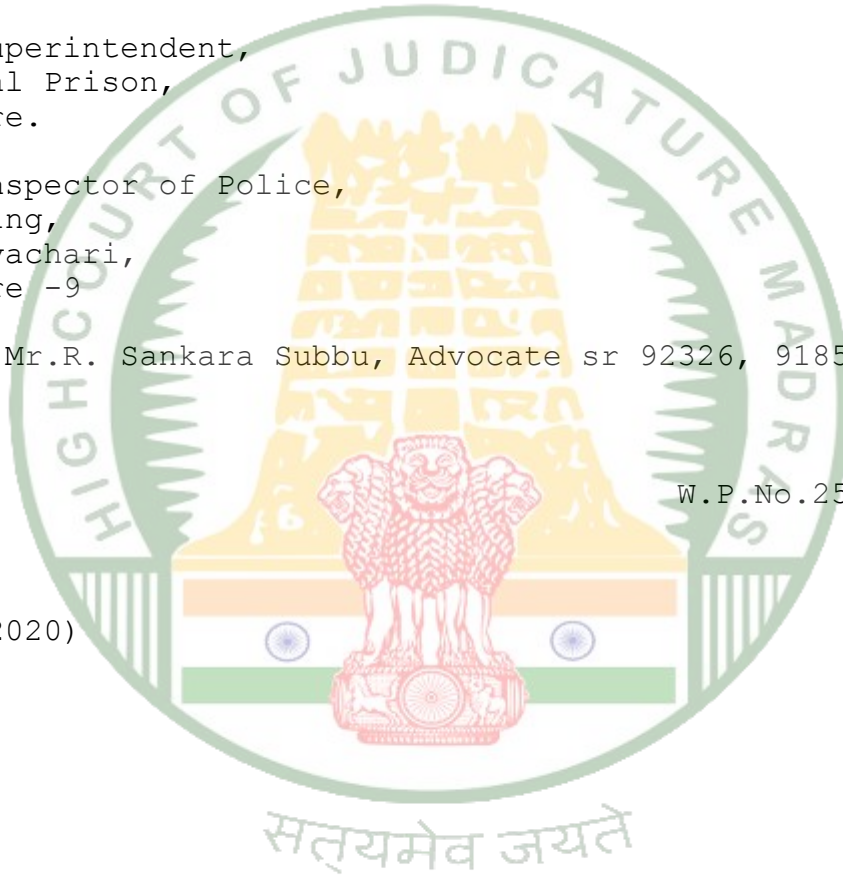
To

1. The Secretary,
State of Tamilnadu,
Department of H0me,
Fort St. George,
Chennai 600 009.
2. The District Collector,
Vellore District,
Vellore.
3. The Superintendent,
Central Prison,
Vellore.
4. The Inspector of Police,
P.E.Wing,
Sathuvachari,
Vellore -9

+2 CCS to Mr.R. Sankara Subbu, Advocate sr 92326, 91858.

W.P.No.25564 of 2005

SP(20/01/2020)



WEB COPY