

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.7368 of 2012

- 1 MATHIYAZHAGAN
S/O. RAJAMANICKAM,
NO.10 ALIMINUM STREET,
NO.17/1, 17TH BLOCK, NEYVELI-1 ...PETITIONER
- Vs.
- 1 THE GOVERNMENT OF TAMILNADU
REP.BY ITS SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
SECRETARIAT, FORT ST. GEORGE,
CHENNAI-9
- 2 THE REGISTRAR,
ANNA UNIVERSITY, GUINDY, CHENNAI-25
- 3 THE CORRESPONDENT
SRI RAM ENGINEERING COLLEGE,
PERUMALPET,
THIRUVALLUR DISTRICT. ...RESPONDENTS

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to pay compensation of Rs.10,00,000/- either jointly or severally to the petitioners family for the loss of life of the son of the petitioner due to ragging activities in the 3rd respondent college.

For Petitioner : Mr.G.Pugazhenth
For Respondent No.1 : Mr.K.Karthikeyan, G.A.
For Respondent No.2 : Mr.M.Vijayakumar
For Respondent No.3 : Ms.V.V.Uthra for
Mr.K.J.Parthasarathy

O R D E R

According to the petitioner, the petitioner's son Mr.M.Selvakumar after completion of Higher Secondary Course in the year 2006-2007, joined B.E. (Electronics and Communication)

on merit in the third respondent College. The writ petitioner's son was subjected to ragging by his senior students, but for the illegal activities of the senior students, he could not tolerate the ragging and requested his father, petitioner herein to make alternative arrangement for his studies. On 31.1.2007, the petitioner heard the news over phone that his son was admitted in the Government Hospital, Thiruvallur and they have rushed to the Government Hospital where, he was told that his son was expired. The College authorities have not disclosed the cause of death. The petitioner approached the Inspector of Police, Sevvapet Police Station to lodge a complaint on 19.2.2007, but he refused to receive the complaint. Thereafter, a case has been registered in Crime No.26 of 2007, dated 31.1.2007 under Section 174 of Cr.P.C. Therefore, the writ petitioner's son died in the College premises, due to ragging activities of the senior students in the third respondent College. The ragging activities of the 3rd respondent College is against the Tamilnadu Prohibition of Ragging Act, 1997. The College authorities have not taken effective steps to curb ragging in the College premises. Therefore, the third respondent College is responsible for the death of petitioner's son and hence, the third respondent College is liable to pay compensation to the writ petitioner.

2. Counter affidavit has been filed by the third respondent College, wherein the third respondent denied the allegations made in the writ petition. Further, it is stated that the petitioner's complaint was duly investigated by the police and subsequently, investigation closure report was submitted before the concerned Court. Being not satisfied with the investigation, the petitioner approached this Court by filing CrI.O.P.No.6943 of 2007 and this Court directed the Superintendent of Police to supervise the investigation and accordingly, in compliance of the directions of this Court, investigation was conducted and final report was filed. In the final report, the reason recorded therein is that the petitioner's son owing to his ailments, had committed suicide on 31.1.2007 at 4.00 p.m. by hanging himself with bedsheet and no one else is cause for his death. Therefore, the contention of the writ petitioner is liable to be rejected.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. The Writ petitioner's son was died due to suicide by hanging committed by him in the third respondent College premises and a criminal case has been registered in Crime No.26 of 2007. Pursuant to the direction of this Court, the complaint made by the writ petitioner was investigated by the police under

the supervision of the Superintendent of Police and final report was filed stating that the allegations of the petitioner are unfounded. Further, it is stated that the petitioner remained aloof from friends, keep distance from his father and he spoke only with his mother when they visited him. The deceased had always complained of headache and the Management never thought that the deceased would take a tragic decision. Further, enquiry revealed that on the fateful day, the deceased told his hostel-mates that he woke up with headache and he would not attend classes. Thereafter, he locked the room and refused to take lunch despite other inmates requesting him to have lunch. When the inmates returned to the room, they found the deceased locked inside without any sign of activity and thereafter, the room was broke open only to find the petitioner's son hanging in the ceiling fan. The College staff rushed the petitioner's son to the Government Hospital, Tiruvallur and informed the parents. The petitioner's son was declared dead in the hospital.

5. After investigation, the police come to the conclusion that owing to ailments, he committed suicide by hanging in the ceiling fan. There is no other materials placed before this Court by the writ petitioner against the third respondent College for the allegations made in the writ petition, nor any other report from the revenue authorities or from any other authorities to substantiate the allegations made in the writ petition. Without producing any materials to satisfy this Court for the allegations made against the third respondent College, this Court cannot accept the submissions made by the counsel appearing for the writ petitioner. The writ petition devoid of merit and the same is liable to be dismissed.

6. Accordingly, the writ petition stands dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1 THE SECRETARY,
GOVERNMENT OF TAMILNADU ,
DEPARTMENT OF HIGHER EDUCATION, SECRETARIAT,
FORT ST. GEORGE, CHENNAI-9

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2 THE REGISTRAR,
ANNA UNIVERSITY, GUINDY, CHENNAI-25

3 THE CORRESPONDENT
SRI RAM ENGINEERING COLLEGE,
PERUMALPET, THIRUVALLUR DISTRICT.

+1 CC to Govt. Pleader sr 93374

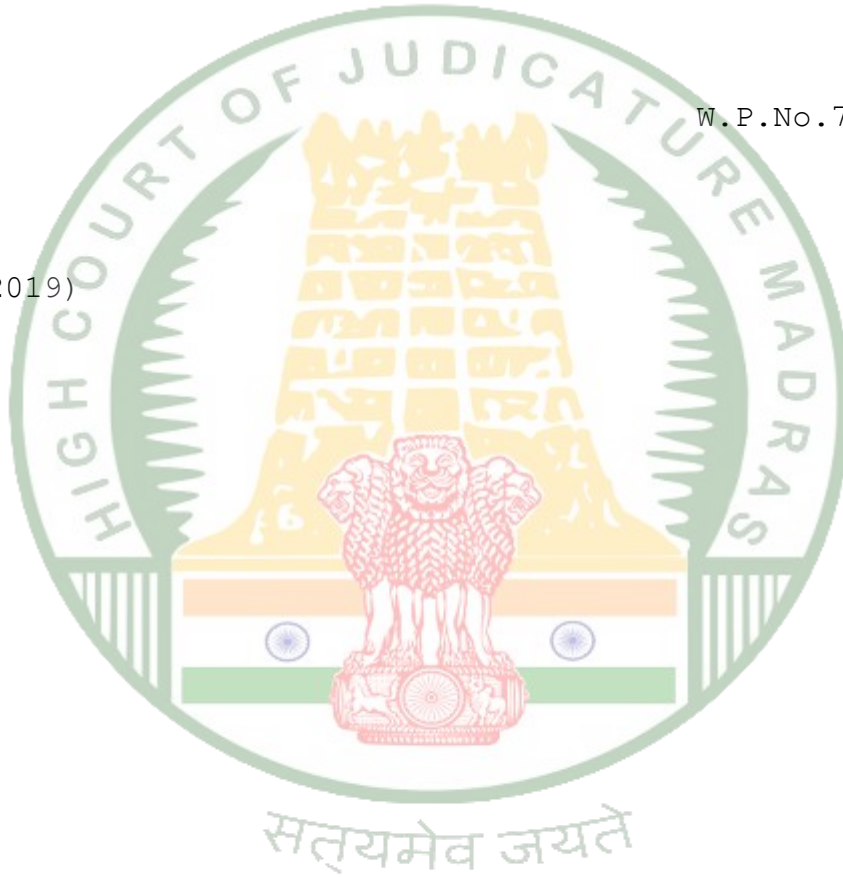
+1 CC to Mr.K.J.Parthasarathy, Advocate sr 92725

+1 CC to Mr.M.Vijayakumar, Advocate sr 93418

+1 CC to Mr.G.Pugazhenth, Advocate sr 93201.

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SJ(CO)
SP(27/12/2019)



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