



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.04.2019
CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P. (MD) Nos. 4021 and 4451 of 2019

WEB COPY

Arputhamarry ... Petitioner in W.P. (MD) No. 4021 of 2019

Fathima Kani ... Petitioner in W.P. (MD) No. 4451 of 2019

Vs.

1. The State of Tamil Nadu,
Represented by the Principal Secretary,
Home Department, Tamil Nadu Government Chief Secretariate,
Fort St. George, Chennai-600 009.

2. The Director General of Police,
Office of the Director General of Police,
Dr. Radhakrishnasalai, Chennai.

3. The District Collector,
Office of the District Collector,
Dindigul District.

4. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer
Dindigul District, Dindigul.

... Respondents 1 to 4 in both petitions

5. The Inspector of Police,
Town South Police Station,
Dindigul District.

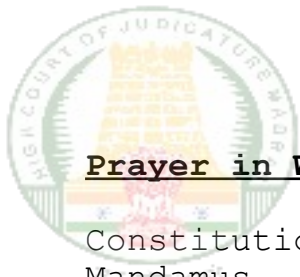
6. R. Jeeva ... 5th and 6th Respondents in W.P. (MD) No. 4021 of 2019

5. The Inspector of Police,
Town West Police Station,
Dindigul District.

6. The Inspector of Police,
Vedasandur Police Station,
Dindigul District.

7. The Inspector of Police,
South Police Station,
Dindigul District.

8. R. Jeeva ... Respondents 5 to 8 in W.P. (MD) No. 4451 of 2019

**Prayer in WP(MD)No. 4021/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents no.1, 2 and 3 to take action against the respondent no.4. and 6 and to pay compensation to the petitioners son by name Antony David @ Deni in accordance within law

Prayer in WP(MD)No. 4451/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, to directing the Respondents No.1, 2 and 3 to take action against the Respondent No.4 and 8 and to pay compensation to Petitioner son by Ashik Mohamed Alias Al Aashik, son of Sowkath Ali aged 25 years detained in Madurai Central Prison in accordance within law.

For Petitioner: Mr.R.Alagumani (in both petitions)

For R1 to R5 : Mrs.S.Bharathi
Government Advocate
(in W.P.(MD)No.4021 of 2019)

For R1 to R7 : Mrs.S.Bharathi
Government Advocate
(in W.P.(MD)No.4451 of 2019)

COMMON ORDER

These writ petitions are filed seeking direction to the fourth respondent to pay the compensation on the petitioners' sons namely Antony David @ Deni and Ashik Mohamed @ Al Aashik for detaining them unlawfully under Section 122 (1) (b) Cr.P.C.

2. Earlier when the matters came up for hearing, it was submitted that no copy of the orders, under which the Revenue Divisional Officer has chosen to detain the petitioners' son, was served not been given in order they could challenge the said order.

3. This Court has directed the appearance of the Revenue Divisional Officer to inform her that copies of the proceedings shall be circulated to the detenues so that they could challenge it.

4. When the matter came up today, the learned Government Advocate submitted that the Executive Magistrate / third respondent has served the copies of the order to both the detenues on 07.03.2019 and circulated a copy thereof, which have the signatures of acknowledgment of the detenues.



5. Such statement made by the learned Government Advocate is recorded.

6.1. The learned counsel for the petitioner would now submit that the order copies now circulated has to be preceded by a detailed speaking order and that whatever that is now made available is not the order, which the petitioner seeks.

6.2. The learned Government Advocate would submit that this is the order, based on which both Antony David @ Deni and Ashik Mohamed @ Al Aashik have been detained.

7. It is therefore made clear that the orders which the petitioners now required to challenge, are the one served on Antony David @ Deni and Ashik Mohamed @ Al Aashik on 07.03.2019. So far as the compensation aspect is concerned the petitioner may claim the same only after such orders are held as unlawful.

8. Having stated thus, this Court notices that the said orders are passed on 27.09.2018 and 06.02.2019 but the copies were served only on 07.03.2019. It would imply that at least for few months both the Antony David @ Deni and Ashik Mohamed @ Al Aashik were detained without an opportunity to challenge the order directing their detention. This Court is disappointed with the Revenue Divisional Officer for this state of affairs.

9. With above observation, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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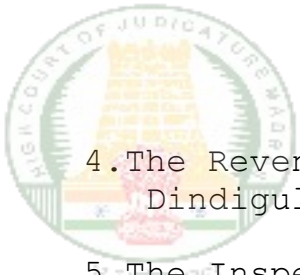
Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
The State of Tamil Nadu,
Home Department,
Tamil Nadu Government Chief Secretariate,
Fort St. George, Chennai-600 009.

2. The Director General of Police,
Office of the Director General of Police,
Dr. Radhakrishnasalai, Chennai.

3. The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
Office of the District Collector,
Dindigul District.



4. The Revenue Divisional Officer,
Dindigul District, Dindigul.

5. The Inspector of Police,
Town South Police Station,
Dindigul District.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-59697[F] dated 08/04/2019)

Order made in
W.P. (MD) Nos. 4021 and 4451 of 2019
05.04.2019

ES/30.04.2019/4P/7C