



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.11431 of 2015

and

W.M.P. (MD) Nos.1 and 2 of 2015

Kanthasamy

... Petitioner

Vs

1.The Home Secretary,
Government of Tamilnadu,
Secretariat,
Fort St.George,
Chennai-9.

2.The Dean,
Government Ke.Aa.Pe.Medical College Hospital
(Government Annal Gandhiyadigal Memorial Hospital)
Trichy.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruchirappalli District,
Tiruchirappalli.

4.The Inspector of Police,
Samayapuram Police Station,
Tiruchirappalli District.

5.The Inspector of Police,
Siruganur Police Station,
Tiruchirappalli District.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to pay adequate amount of compensation for the illegal custody and torture against the petitioner's son namely Sudhakar @ Palaniyandi, son of Kanthasamy, aged 34 years at fourth and fifth respondent police station within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Sethuraman
Special Government Pleader

**ORDER**

Heard the learned counsel on either side.

2.The case of the writ petitioner is that his son Sudhakar @ Palaniyandi was illegally confined by the fifth respondent police and brutally treated. This writ petition has been filed seeking payment of compensation for the said illegal custody and torture.

3.The petition has been filed not by the so-called victim but by his father. Thiru.Sudhakar @ Palaniyandi is said to be the victim. He was aged about 34 years at the time of incident. Therefore, I am of the view that the petitioner's son should have filed this writ petition. It is not as if the victim is incapable of filing a writ petition.

4. I therefore, dismiss this writ petition only on the ground of *locus standi*. Another reason for dismissing this writ petition is non-naming of the persons who have allegedly tortured the petitioner's son.

5.Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The Home Secretary,
Government of Tamilnadu,
Secretariat, Fort St.George,
Chennai-9.
- 2.The Dean,
Government Ke.Aa.Pe.Medical College Hospital
(Government Annal Gandhiyadigal Memorial Hospital)
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5.The Inspector of Police,
Siruganur Police Station,
Tiruchirappalli District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 55338

W.P. (MD) No.11431 of 2015

19.03.2019

TR (06.04.2019) 3P 7C