



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.22822 of 2019
and
W.M.P. (MD) No.19586 of 2019

R.Meenakshi

... Petitioner

-vs-

- 1.The Union of India
rep.by it's Secretary
Ministry of Home Affairs
New Delhi
- 2.The Union of India
rep.by it's Secretary
Ministry of Women and Child
Development of Government of India
New Delhi
- 3.The Member Secretary
Tamil Nadu State Legal Services Authority
North Fort Road
High Court Campus
Chennai
- 4.The Secretary to Government
Home Department
Government of Tamil Nadu
Secretariat, Fort St George
Chennai-600 009
- 5.The State of Tamil Nadu
rep.by its Secretary
Child Welfare
Secretariat, Fort St.George
Chennai-9



6.The Additional Director
General of Police (Prisons) /
The Inspector General of Prisons
Thalamuthu Natarajar Maaligai
Egmore, Chennai

7.The Deputy Inspector General of Prison
Tirunelveli Range
Tirunelveli

8.The Superintendent of Prison
Tirunelveli Central Prison
Tirunelveli

9.The Child Welfare Officer
Child Welfare Committee
Tirunelveli District
Tirunelveli

10.The Person-in-charge
Observation Home for Children
to Conflict with Law
(Near Tirunelveli Bus Stand)
Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to take effective steps to reduce and possibly eliminate unnatural deaths in the prison and Observation Home for Children in Conflict with Law and document each and every death in prisons-both natural and unnatural and provide medical care and counseling facilities to the prisoners and Juveniles and consequently direct the respondents to provide compensation to the next kin of the deceased of custodial death by the way of following the directions issued by the Hon'ble Apex Court in RE-INHUMAN CONDITIONS IN 1382 PRISONS (2017-10 SCC 658).

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader for R4 to R8

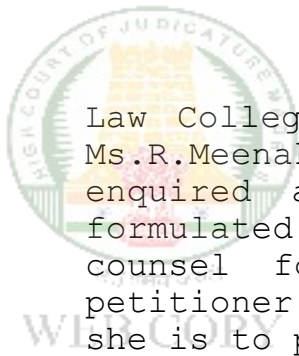
O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

We have heard Mr.R.Venkatesan, learned counsel appearing for the petitioner.

2. On coming to know that the petitioner Ms.R.Meenakshi is a budding lawyer, who has just completed her law course from Madurai

<https://hcservices.ecourts.gov.in/hcservices/>



Law College, we wanted to hear her. Fortunately, the petitioner Ms.R.Meenakshi is present in Court and we interacted with her and enquired as to how a public interest litigation needs to be formulated before it is filed in Court. Mr.R.Venkatesan, learned counsel for the petitioner, was very proud to say that the petitioner Ms.R.Meenakshi was a topper in Madurai Law College and she is to pursue her Post Graduation in Chennai.

3. After our discussion with the petitioner Ms.Meenakshi, we have come to understand that she has not understood the seriousness of public interest litigation and she assures that she will do better research on the subject matter and come forward with a comprehensive plea.

4. We also would like to inform the petitioner Ms.Meenakshi that before a writ of mandamus is sought for, the minimum requirement is to address the authority concerned clearly pointing out as to where they have defaulted in protecting the constitutional rights of the citizen. In the typed set of papers, apart from the order passed by the Honourable Supreme Court, we find two news items and a copy of the representation sent by the petitioner Ms.Meenakshi through registered post on 22.10.2019 from the Madras High Court Madurai Bench Post Office. Without even affording reasonable time to the authority concerned to react on the representation, the petitioner has rushed to this Court. This is another grave error committed by the petitioner. Apart from that, the representation does not give any detail except to state the petitioner has come to know about the failure on the part of the authority concerned from the newspapers.

5. Thus, for the above reasons, we are not inclined to entertain the writ petition. Therefore, we dismiss the writ petition. However, this will not prevent the petitioner from doing a better research on the subject matter and if still she convinces that there is failure on the part of the State to protect the constitutional rights of the citizen, it is well open to her to approach the authority concerned by way of appropriate representation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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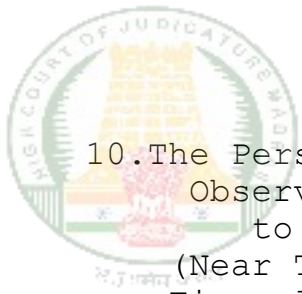
Sub Assistant Registrar(CS)

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To:

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- 2.The Secretary,
Secretary,
Ministry of Women and Child
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- 3.The Member Secretary
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(Near Tirunelveli Bus Stand)
Tirunelveli

WEB COPY

+2 CC to M/s.R.VENKATESAN, Advocate (SR-94803 & 95351[F] dated
25/10/2019)

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and
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JMN(13.11.2019) 5P : 13C