



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Ninth day of July Two Thousand and Twenty

PRESENT

The Hon'ble Mr.Justice M.SATHYANARAYANAN
and
The Hon'ble Mr.Justice P.RAJAMANICKAM

WMP.(MD).Nos. 6925 & 6923 of 2020
in
W.P.(MD) No.7465 of 2020

K.S.ARJUNAN

... PETITIONER/PETITIONER
IN BOTH THE PETITIONS

Vs

1 THE GOVERNMENT OF TAMILNADU,
REP. ITS BY HOME SECRETARY,
SECRETARIAT,
FORT ST.GEORGE, CHENNAI-600 009

2 THE DIRECTOR GENERAL OF POLICE,
DIRECTOREATE OF POLICE,
DR.RADHAKRISHNAN SALAI,
MYLAPORE, CHENNAI-600 004

3 THE SUPERINTENDENT OF POLICE,
THOOTHUKUDI DISTRICT,
THOOTHUKUDI.

4 THE DISTRICT COLLECTOR,
THOOTHUKUDI DISTRICT,
THOOTHUKUDI.

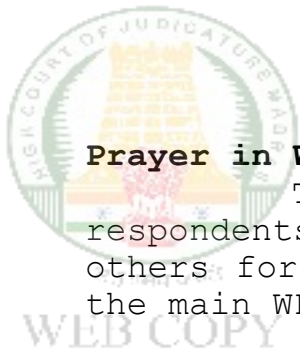
5 THE SUPERINTENDENT,
KOILPATTI SUB JAIL,
KOVILPATTI,
THOOTHUKUDI DISTRICT.

... RESPONDENTS/RESPONDENTS
IN BOTH THE PETITIONS

Prayer in WMP(MD)No.6923/2020 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of Interim Direction directing the respondents herein to pay a sum of rupees one crore as compensation to the affected family and a government job to a person in the victim family and thus render justice.

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



Prayer in WMP(MD) . 6923/ 2020 :

To pass an order of interim Direction directing the respondents herein to prosecute the errant police officials and others for the offences under section 302 IPC, pending disposal of the main WP and render justice.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.L.Shaji Chellan, Advocate for the petitioner in both the petitions and of Mr.K.Chella Pandian, Additional Advocate General assisted by Mr.V.R.Shanmuganathan, Special Government Pleader for respondent Nos.1 & 4 and Mr.R.Anandaraj, Additional Public Prosecutor for respondent Nos.2,3 & 5, the court made the following order:-

(Order of the Court was made by M.SATHYANARAYANAN.J)

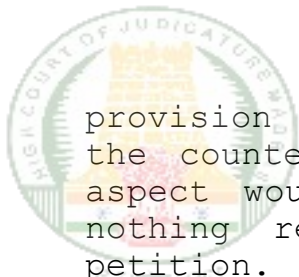
The petitioner is the District Secretary of the Communist party of India (Marxist), Tuticorin District. He has come forward to file this writ petition, styled as Public Interest Litigation, praying for constitution of a Special Investigation Team to probe and investigate the demise of father and son, namely, Jayaraj and Benniks in Sub-Jail, Kovilpatti, Tuticorin District under the supervision of this Court with a further prayer to pay a sum of Rs.1 Crore as compensation as well as a government job to a member of the affected family and other consequential relief.

2.Notice of motion returnable by 28.07.2020. Mr.V.Shanmuganathan, learned Special Government Pleader accepts notice for the respondent Nos.1 & 4. Mr.R.Anandaraj, learned Additional Public Prosecutor accepts notice for the respondent Nos.2, 3 & 5.

3. The learned Special Government Pleader as well as the learned Additional Government Pleader, being led by Mr.K.Chella Pandian, learned Additional Advocate General.

4.The petitioner, pending this writ petition, prayed for interim directions, which are also part of the main prayer. It is well-settled proposition of law that if the interim prayer forms part of the main prayer, exparte direction cannot be passed or issued, as virtually, it would amount to allowing of the main writ petition, exparte.

5.The learned Additional Advocate General, on instructions, would submit that in so far as WMP (MD) No. 6925 of 2020 is concerned, the State Government has already paid a sum of Rs. 20 lakhs (Rupees Twenty Lakhs only) to the family of the deceased and a proposal has been mooted out by the District Administration for



provision of employment to a member of the deceased family and in the counter affidavit filed in the main writ petition, the said aspect would also be dealt with. As such, according to him, nothing remains for further adjudication in the miscellaneous petition.

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6. In so far as WMP (MD) No. 6923 of 2020 is concerned, this Court, on Judicial side, has taken up *suo motu* WP(MD) No.7042 of 2020 and is dealing with the aspects of the tragic demise of father and son, namely Jayaraj and Benniks. As such, this miscellaneous petition is also not necessary and therefore, it is to be closed.

7. In the light of the aforesaid submissions and facts, coupled with the legal position, no further orders are necessary in these miscellaneous petitions. Therefore, both the miscellaneous petitions are closed.

8. Post the main writ petition on 28.07.2020.

sd/-

09/07/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

- 1 THE HOME SECRETARY,
GOVERNMENT OF TAMILNADU,
SECRETARIAT,
FORT ST.GEORGE, CHENNAI-600 009
- 2 THE DIRECTOR GENERAL OF POLICE,
DIRECTOREATE OF POLICE,
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KOILPATTI SUB JAIL,
KOVILPATTI,
THOOTHUKUDI DISTRICT.

ORDER IN
WMP (MD) No.6925 & 6923/2020
IN
WP (MD) No.7465 of 2020
Date :09/07/2020

VS
TE/VR/SAR-III : 14/07/2020 : 4P/6C