



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P(MD)No.15497 of 2021

and

W.M.P(MD)Nos.12393, 12395, 12400, 12398 and 12394 of 2021

S.Logeshwari,

Represented by C.Priya(Maternal Aunt) ... Petitioner
vs.

1.The Chief Secretary,
Chief Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Additional Chief Secretary,
Home (Prison) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

3.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City, Palayamkottai,
Tirunelveli - 627 002.

4.The Director General of Prisons and Correctional Services,
Tamil Nadu Prisons and Correctional Services Department,
No.6, Whannels Road, Egmore,
Chennai - 600 008.

5.The District Collector,
Tirunelveli District Collectorate,
Kokkirakulam,
Tirunelveli - 627 009.

6.The Member Secretary,
District Legal Services Authority,
Office of the DLSA, Tirunelveli,
District Court Buildings,
Palayamkottai,
Tirunelveli District.

7.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.



8.Mr.D.Palani,
Deputy Inspector General of Prisons,
Madurai Range,
Madurai - 625 016.

9.Mr.P.Shankar,
The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli District.

10.Mr.Vasantha Kannan,
The Jailor,
Central Prison, Palayamkottai,
Tirunelveli - 627 002.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, directing the respondents 1 to 7, to take appropriate legal action based on the petitioner's representation dated 20.08.2021, to take appropriate legal action against errant prison officials, respondents 8 to 10 based on the petitioner's representation.

For Petitioner : Mr.Henry Tiphangne
For R-1 to R-7 : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

(Order of the Court was made by R.PONGIAPPAN, J.)

Alleging that the petitioner's father one P.Sivaraman, who is a convict prisoner was subjected to custodial violence at the hands of the tenth respondent, who is a Jailor in Central Prison, Palayamkottai, the petitioner made a representation to the respondents 1 to 7, dated 20.08.2021. Since no action has been taken so far, the present writ petition has been filed.

2. From the perusal of the affidavit filed in support of the writ petition, it could be seen that the petitioner is a minor and she is represented by her maternal aunt and she said to have seen his father, who is a life convict and alleging that the tenth respondent committed custodial violence and he sustained serious injuries, she made a representation to the respondents 1 to 7 on 20.08.2021, praying to take legal action against the tenth respondent based on her representation. The said representation is said to be still pending. Hence, the present writ petition.

3. Admittedly, the petitioner is a minor. The life convict, who said to have subjected to custodial violence, did not come forward to file any affidavit making any specific allegations. The petitioner is only a hearsay witness, based on her affidavit, this



Court cannot act upon. That apart, whether the convict prisoner was subjected to custodial violence or not is a disputed question of fact. Now, the tenth respondent also filed a counter-affidavit disputing that he has not committed custodial violence, such disputed question cannot be decided in this writ petition.

4. Considering all those circumstances, we are of the view that the writ petition is not maintainable and the same is liable to be dismissed.

5. In the result, the writ petition is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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

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ORDER MADE IN
W.P (MD) No.15497 of 2021
02.11.2021

DJ(CO)
GC/JGB(15.11.2021) 4P 8C