



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.22681 of 2017

P.Rajeshwari

: Petitioner

Vs.

- 1.The Union of India represented by
Secretary to Ministry of Home Affairs,
Government of India,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi - 110 001.
- 2.The State represented by its Chief Secretary,
State of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 3.The Home (Prisons IV) Secretary,
Chief Secretariat,
Government of Tamil Nadu,
Fort St George,
Chennai - 600 009.
- 4.The Additional Director General of Police/
The Inspector General of Prisons,
Office of the Inspector General of Prisons,
Head Quarters,
Prisons Department,
CMDA Tower -II, No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.
- 5.The Deputy Inspector General of Prisons (Madurai Range),
Office of the Deputy Inspector General of Prisons Madurai Range,
New Jail Road, Arapalayam,
Madurai, Tamil Nadu 625106.
- 6.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli - 627 002.

: Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to pay fair and reasonable amount of compensation on the basis of the judgment of the Hon'ble Supreme Court of India in the case of writ petition (civil) No.406 of 2013 (otherwise known as Re-inhuman Conditions in 1382 Prisons) to the petitioner for the custodial unnatural death of the petitioner's father by name Krishnan @ Perumal, son of Shanmugam, aged 72 years (LCT No.2619) confined at Palayamkottai Central Prison within the time stipulated by this Court.

For Petitioner	:	Mr.K.R.Raja for M/s.R.Alagumani
For Respondent	:	Mr.C.Nandagopal,
		No.1 Central Government Standing Counsel
For Respondent	:	Mr.S.Ravi,
		Nos.2 to 6 Standing Counsel for the State

ORDER

The father of the petitioner, namely, Krishnan @ Perumal, aged about 72 years was found guilty and sentenced to undergo life imprisonment for the offence under Section 302 r/w 34 IPC and Section 3 of the Explosive Substances Act by judgment dated 30.07.1997 in S.C.No.3 of 1995 by I Additional Sessions Judge, Tirunelveli and the appeal as against the conviction and sentence in Crl.A.No.783 of 1997 was dismissed by judgment dated 06.05.2002 by confirming the conviction and sentence imposed by the trial Court.

2.While the petitioner's father was undergoing imprisonment in Palayamkottai Central Prison, he experienced health issues and was admitted in Tirunelveli Medical College Hospital on 23.05.2017 as inpatient and he passed away on 24.08.2017 in the hospital.

3.This petition is filed by one P.Rajeswari, daughter of the deceased Krishnan @ Perumal, seeking a writ of mandamus directing the respondents to pay fair and reasonable compensation based on the judgment of the Hon'ble Supreme Court in W.P(civil) No.406 of 2013 for his father's custodial and unnatural death.

4.Mr.K.R.Raja, learned Counsel for the petitioner submitted that the petitioner's father, while undergoing imprisonment at Palayamkottai Central Prison, assisted the jail authorities for more than ten years. But all of a sudden he was found dead in unnatural circumstances due to the negligence on the part of the jail authorities and therefore, the Government is duty bound to grant fair and reasonable compensation to the petitioner and her family members. The learned Counsel also placed reliance on The Tamil Nadu Prison Manual - IV.



5.The Superintendent of Prison, Central Prison, Palayamkottai has filed a counter affidavit, wherein it has been stated that the father of the petitioner while undergoing imprisonment in Central Prison, Palayamkottai on 21.02.2015 he was referred to Tirunelveli Medical College Hospital for treatment due to his ill-health, he was treated as inpatient and was discharged from hospital on 02.03.2015. When the petitioner was diagnosed with certain health issues, he was again admitted as inpatient in Tirunelveli Medical College Hospital on 07.12.2015 and discharged on 11.12.2015. While so, on 23.05.2017 the petitioner experienced health problems and again hospitalised in Tirunelveli Medical College and discharged on 12.06.2017 and despite the best treatment provided, he died in the Tirunelveli Medical College Hospital on 24.08.2017 at 6.00am. It is further stated in the counter affidavit that the Superintendent of Prison, Central Prison, Palayamkottai took all the effective steps to provide necessary medical treatment, whenever the petitioner's father was ill and therefore, it cannot be termed as unnatural custodial death.

6.Mr.S.Ravi, learned Standing Counsel appearing for the State submitted that the petitioner's father was a convict prisoner in Central Prison, Palayamkottai for more than 15 years and he was hospitalised several times due to his ill-health and he was provided treatment in Tirunelveli Medical College Hospital and finally he was hospitalised on 23.05.2017 in Tirunelveli Medical College Hospital and he was treated as an inpatient and despite the best treatment provided to the petitioner's father, he passed away on 24.08.2017. Further he also produced a copy of the inquest report submitted by the learned Judicial Magistrate No.1, Tirunelveli, wherein it has been reported that the father of the petitioner died naturally while taking treatment for acute myocardial infraction. Therefore, death of the petitioner's father cannot be termed as unnatural custodial death and in view of the same, the petitioner is not entitled for any compensation.

7.Heard the learned Counsel on either side and perused the materials placed on record.

8.The petitioner, daughter of a life convict prisoner has filed this petition seeking compensation alleging that the death of her father on 24.08.2017 is custodial unnatural death.

9.According to the sixth respondent, on 21.02.2015 the petitioner's father was admitted as inpatient in Tirunelveli Medical College Hospital for his illness and was discharged from hospital on 02.03.2015. Since he was diagnosed with certain health issues, he was admitted as inpatient on 07.12.2015 in Tirunelveli Medical College Hospital and was discharged on 11.12.2015. Again, on 23.05.2017 the petitioner's father experienced health issues and was hospitalised in Tirunelveli Medical College and was discharged on 12.06.2017.



12.06.2017. It is the specific stand of the sixth respondent that despite the best treatment provided, he died in the Tirunelveli Medical College Hospital on 24.08.2017 at 6.00am.

10.The inquest conducted by the learned Judicial Magistrate Nol, Tirunelveli reveals that the petitioner's father died in a natural manner while taking treatment for acute myocardial infraction.

11.It is seen that the petitioner's father was admitted as inpatient in Tirunelveli Medical College Hospital and after recovery he was discharged from hospital. However, he was hospitalised on 23.05.2017 in Tirunelveli Medical College Hospital, as an inpatient and was taking treatment till he passed away. Despite the treatment provided to the petitioner's father, he passed away on 24.08.2017 in the hospital. Therefore, it appears that the petitioner's father attained natural death and it cannot be stated as custodial unnatural death as alleged by the petitioner.

12.In view of the above discussion, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

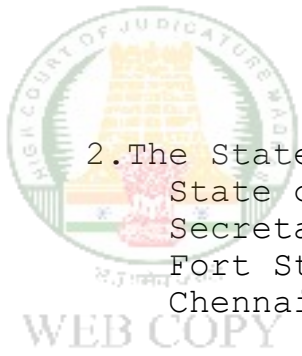
Note:

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 Secretary to Ministry of Home Affairs,
Union of India
Government of India,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi - 110 001.

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



2.The State represented by its Chief Secretary,
State of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai - 600 009.

3.The Home (Prisons IV) Secretary,
Chief Secretariat,
Government of Tamil Nadu,
Fort St George,
Chennai - 600 009.

4.The Additional Director General of Police/
The Inspector General of Prisons,
Office of the Inspector General of Prisons,
Head Quarters,
Prisons Department,
CMDA Tower -II, No.1, Gandhi Irwin Road,
Egmore,
Chennai - 600 008.

5.The Deputy Inspector General of Prisons (Madurai Range),
Office of the Deputy Inspector General of Prisons Madurai Range,
New Jail Road, Arapalayam,
Madurai, Tamil Nadu 625106.

6.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli - 627 002.

**W.P (MD) No.22681 of 2017
23.06.2021**

KM(08.07.2021) 5P 7C