



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM:

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

W.P.NO.33015 OF 2012

AND

M.P.NOS.1 TO 3 OF 2012 AND 1 OF 2013

- 1.Anusiya
- 2.Vediyappan
- 3.Paranthaman

... Petitioners

vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Home Department of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
3. The Director General of Police,
Tamil Nadu Police,
Police Head Quartos,
Rajaji Salai, Chennai.
4. The District Collector,
Krishnagiri District,
Krishnagiri.
5. The Superintendent of Poice,
Sivagangai, Sivagangai District.
6. The Superintendent of Police,
Krishnagiri, Krishnagiri District.
7. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

... Respondents



Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to pay a compensation of Rs.5,00,000/- to each petitioner and direct the 3rd and 5th respondents to take appropriate action against the police officials concerned in the case of custodial violence against the petitioners.

For Petitioner : Mr.M.Christopher

For Respondents : Mr.M.Rajendiran,
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking a Writ of Mandamus directing the 1st respondent to pay a compensation of Rs.5,00,000/- to each petitioner and direct the 3rd and 5th respondents to take appropriate action against the police officials concerned in the case of custodial violence against the petitioners.

2. The petitioners belong to Kurava community which is a Scheduled Tribe community in the State of Tamil Nadu. The petitioner made a representation to the District Collector on 04.09.2012 that only because they belong to a Scheduled Tribe, a particular community, the police torture them under the guise of investigation and enquiry. On 02.09.2012 at about 4.00 a.m in the morning some police persons barged into their house and abused them in filthy language and threatened them with dire consequence and also connected them with some theft. On 15.10.2012 they lodged a police complaint which was subsequently registered as FIR No.284 of 2012 on the file of Krishnagiri Police Station, Singarapettai. In the complaint, the petitioners have stated that on 13.10.2012 at midnight six police men barged into the house and took the petitioners forcefully to the police station. The 2nd petitioner was beaten indiscriminately and due to which he suffered bulging of stomach and could not pass urine. Thereafter, on 14.10.2012 they were taken to Velayuthapattinam Police Station in Sivagangai District and there the 1st petitioner was nuded and tied to a pole and beaten up, while beating, the police persons was standing over the nude body of their son Paranthaman and threatened them to confess to the guilt and also pressurized them to inform the whereabouts of her brother Raman. Unable to bear the pain, and mental agony the 1st petitioner had stated that her brother was



in Bangalore. Thereafter, the petitioner and her husband and son were handed over to Devakottai police station.

3. On 16.10.2010 they were taken to Bangalore for the purpose of identifying her brother's residence. Thereafter, on 17.10.2012 the petitioners were brought back to the 5th respondent Office and their signatures were obtained in plain papers. The Tribal Association Leaders have rescued them and since the petitioners were badly injured, they were admitted in Government Head Quarters Hospital, Krishnagiri. The petitioners have given a complaint and an FIR was registered in Crime No.284 of 2012 and the same was later referred as mistake of fact. The petitioners have preferred the above writ petition claiming compensation and also to take appropriate action against the police officials, for their custodial violence.

4. Resisting the allegations the respondents filed a counter that they have never taken the petitioners into the custody it is only the usual investigation conducted in connection to a theft case. They have never beaten up the petitioners and the wound certificate also does not disclose any visible injury and the allegations by the petitioners are false and prayed for dismissal of the case. It is also noted that an enquiry by the Revenue Divisional Officer, Devakottai under Police Standing order 151 has been conducted. The result of which is not available at present.

5. However, considering the totality of circumstances, this Court is of the considered opinion that whenever the criminal case could not be traced the people belonging to the tribal community particularly the kurava shall not be subjected for harassment. Reports disclose that the eye of suspicion always fall on these people who do not have permanent residence and identity to get social welfare measures. Recently, the Government has issued directions to the Officials as a social welfare measure to provide identity card, ration card to these people and also facilitate their rehabilitation and advancement in their life.

6. Considering the welfare policy of the Government, this Court is inclined to give a direction to the respondents 1 to 3 to consider the representation made by the petitioners dated 20.10.2012 and to pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of the order.



7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dsa

To

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Home Department of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
3. The Director General of Police,
Tamil Nadu Police,
Police Head Quarters,
Rajaji Salai, Chennai.
4. The District Collector,
Krishnagiri District,
Krishnagiri.
5. The Superintendent of Police,
Sivagangai, Sivagangai District.
6. The Superintendent of Police,
Krishnagiri, Krishnagiri District.
7. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No.15880

W.P.No.33015 of 2012

SR II (CO)
PM/08/04/2022