



W.P.(MD).No.13164 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.13164 of 2011

and

M.P.(MD).No.1 of 2011

S.J.Renuka

Vs.

... Petitioner

- 1.The Government of Tamil Nadu,
Represented by the Secretary,
Home Department,
Fort St.George,
Chennai – 600 009.
- 2.Mr.Swami Duraivelu,
Additional Deputy Superintendent of Police,
Crime Branch,
Tuticorin.
- 3.Aarusamy,
Inspector of Police,
Vellakoil,
Erode.
- 4.Mr.Nainar,
Sub Inspector of Police,
Thattarmadam,
Tuticorin.



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5.Srinivasan,
The Inspector of Police,
Madurai City,
Madurai District.

6.Kumaraguru,
Sub Inspector of Police (Special Branch),
Thirumangalam,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to take appropriate disciplinary proceedings against the respondents 2 to 6 and punish them for the illegal detention and torture of the petitioner's husband and violation of human rights.

For Petitioner : Mr.M.Ajmal Khan,
Senior Counsel
For M/s.Ajmal Associates

For R-1 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

For R-2 to R-6 : No Appearance

ORDER

This Writ Petition is filed for Mandamus directing the first respondent to initiate appropriate disciplinary proceedings against the respondents 2 to 6 and punish them for the illegal detention and torture of the petitioner's husband and violation of human rights.



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2. The petitioner's husband was arrested by the respondents 2 to 6 and tortured in the judicial custody. The petitioner had approached the National Human Rights Commission and the Human Rights Commission vide its order directed the respondents 2 to 6 to pay Rs.50,000/- (Rupees Fifty Thousand only) as compensation. The Government also deposited the said amount as per the order of the Human Rights Commission.

3. The learned Senior Counsel appearing for the petitioner submitted that the petitioner refused to accept the compensation amount granted by the National Human Rights Commission. But, the petitioner prays only to punish the erring official, so that it may not occur in future.

4. The learned Special Government Pleader appearing for the first respondent submitted that the issue was already considered by the learned Single Judge in W.P.(MD).No.19080 of 2022 dated 22.08.2022, wherein, it is stated the third party may not have any legal right to seek for disciplinary action against the Government Official, since it is between the employer and employee. In the present case, one Ravi, arrested the husband of the petitioner



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and the respondents initiated disciplinary proceedings against the said Ravi and imposed punishment of censure. Therefore, there is no necessity to initiate disciplinary proceedings against the respondents 2 to 6.

5. However, the learned Senior Counsel, appearing for the petitioner submitted that the petitioner would satisfy only if the respondents initiate action against the erring officials.

6. Without expressing any opinion on the issue, this Court simply directing the respondents to decide whether any disciplinary proceedings should be initiated against the respondents 2 to 6 or not. However, if the respondents come to the conclusion that the disciplinary proceedings are not necessary and that may also be recorded before closing the file. Since the petitioner is not willing to accept compensation amount, the respondents are at liberty to withdraw the amount which has been already deposited by the respondents. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

28.11.2022

Index : Yes / No
Internet : Yes/ No
Nsr

To

The Secretary,
The Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai – 600 009.



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S.SRIMATHY, J.

Nsr

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