



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

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WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD)No.5625 of 2019

and

WMP(MD)Nos.4454 & 4455 of 2019

Mohamed Kaniyammal

... Petitioner

Vs.

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Home Department,
Fort St.George,
Secretariat,
Chennai - 600 009.

2.The Director General of Police,
O/o the Director of Police,
Mo.1, Dr.Radhakrishnan Road,
Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
O/o the Commissioner of Police,
Tirunelveli.

4.The District Revenue Officer,
O/o the District Revenue Officer,
Tirunelveli.

5.The Inspector of Police,
Town Police Station,
Tirunelveli.

6.Mrs.Velkani

7.Mrs.Aruna

8.Mrs.Manju

9.Mrs.Gowri

10.Mr.Paramasivan

... Respondents



PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 5 to take appropriate action against the respondents 6 to 9 by considering the petitioner's representation dated 23.02.2019 and provide adequate compensation.

For Petitioner : Mr.S.M.A.Jinnah

For R1 to R5 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R6 to R9 : No Appearance

For R10 : No Appearance

ORDER

This Writ Petition is filed alleging custodial violence and seeking for a mandamus to provide compensation.

2.This Writ Petition is filed on 08.03.2019 alleging the Human Right Violation by the respondent police, on 21.02.2019.

3.The learned Additional Public Prosecutor would submit that after filing this Writ Petition, the petitioner herein, approached the Human Right Commission and also filed a complaint and the same has been taken on file in HRC.No.2048 of 2019. The petitioner herein, had not pursued the matter and hence, it was dismissed. It is brought to the notice of this Court that the petitioner herein has filed a restoration application before the Human Right Commission and the same is pending. If she is aggrieved by any act of the police, initiate the proceedings before the Human Right Commission and it is appropriate for her to proceed before the Human Right Commission by adducing evidence and establish the case.

4. However, in this case, the petitioner herein, before approaching the Human Right Commission for appropriate remedy, filing this Writ Petition. It is suffice to dispose the Writ Petition to permit the petitioner herein to pursue her complaint before the Human Right Commission and place all the evidence before the Human Right Commission. If any such application is filed for restoration, the same may be considered by the Human Right Commission on merits and pass orders in accordance with law.

5.With the above direction, this Writ Petition is disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dss

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To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Home Department,
Fort St.George,
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Chennai - 600 009.
- 2.The Director General of Police,
O/o the Director of Police,
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- 3.The Commissioner of Police,
O/o the Commissioner of Police,
Tirunelveli.
- 4.The District Revenue Officer,
O/o the District Revenue Officer,
Tirunelveli.
- 5.The Inspector of Police,
Town Police Station, Tirunelveli.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Assistant Registrar,
State Human Rights Commission,
Chennai -28.

W.P. (MD)No.5625 of 2019

and

WMP (MD) Nos.4454 & 4455 of 2019

24.01.2022

MGJ(07.02.2022) 3P 8C