



W.P.(MD)No.20567 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

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**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

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S.Rengarajan

.. Petitioner

Versus

- 1.The Director of Prison,
Egmore, Chennai.
- 2.The Superintendent of Central Jail,
Palayamkottai Central Prison,
Tirunelveli District.
- 3.The Superintendent of Police,
Thoothukudi District, Thoothukudi.
- 4.The Jail Superintendent,
Kovilpatti Sub Jail, Kovilpatti,
Thoothukudi District.
- 5.L.Subburaj,
Second Grade Head Constable,
working at Sub Jail, Kovilpattil.

Respondents

..

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to conduct enquiry about the misdeeds committed by the fifth respondent and to take necessary departmental action in accordance with law based on the petitioner's representation dated 25.10.2017.



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For Petitioner : Mr.T.Poovanalingam
For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 to R4
Mr.V.Lakshmanan for R5

ORDER

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

The petitioner has come up with this Writ Petition for issuance of a writ of Mandamus, directing the respondents 1 to 4 to conduct enquiry about the misdeeds committed by the fifth respondent and take appropriate action against him in accordance with law, based on his representation dated 25.10.2017.

2. It is the case of the petitioner that his client viz., Karthick of North Thittankulam, who was in Sub Jail, Kovilpatti, was brutally attacked by the fifth respondent / Second Grade Head Constable of the said Sub Jail. In this regard, the petitioner made a complaint to the fourth respondent, who in turn, warned the fifth respondent severely and settled the issue. However, having grudge over the same, the fifth respondent tortured the petitioner's clients viz., Karthick and Vinodhkumar, who were in the sub jail, Kovilpatti. Such kind of attitude was extended by the fifth respondent by misusing his official position, towards all the petitioner's clients, who



were remanded to the said sub jail. He also involved in the activities defaming the reputation of the petitioner. Narrating the same, the petitioner made a representation to the respondents 1 to 4 on 25.10.2017, requesting to conduct enquiry and take appropriate action against the fifth respondent, but the same is pending without any progress. Therefore, this writ petition.

3. Upon notice, a counter affidavit was filed by the respondents 2 and 4, *inter alia* stating that on enquiry, the fifth respondent reported that he has not brutally beaten any prisoner in the prison during his duty period in Sub Jail, Kovilpatti; during the visit of the 2nd respondent, there was no complaint received from the prisoners against the fifth respondent; and in his petition dated 31.10.2017, the fifth respondent stated that the petitioner without any evidence, has made complaint against him. Thus, according to the respondents, the averments made in the writ petition, are false and baseless.

4. Stoutly refuting the allegations raised by the petitioner as baseless and without any merit, the fifth respondent filed a detailed counter affidavit. According to him, it is the settled principle of law that if a person is not personally affected by any impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any



imminent danger of such right being invaded or his acquired interests have been violated ignoring the applicable rules, no relief can be granted under Article 226 of the Constitution of India. Therefore, the petitioner has no *locus standi* to file this writ petition as a public interest litigation, with an oblique motive and hence, the same will have to be dismissed, as not maintainable.

5. The learned counsel for the petitioner would contend that the petitioner has been put to great hardship in doing his advocate profession, as the fifth respondent shows his personal vengeance against the clients of the petitioner by way of harassment, who were in his custody in the sub jail, Kovilpatti. Though the same was pointed out by the petitioner by making representation to the respondent authorities, no action has been taken on the same. Therefore, the learned counsel sought appropriate direction to the official respondents, in this regard.

6. The learned counsel appearing for the respective respondents reiterated the averments made in the counter affidavits and prayed for dismissal of the writ petition.

7. We have heard the learned counsel on either side and perused the materials available on record.



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8. It is the grievance of the petitioner that due to personal grudge, the fifth respondent who is the secondary grade Head constable of the sub jail, Kovilpatti, has tortured the petitioner's clients, who were remanded to the said sub jail. But, the respondents stoutly denied the allegation so raised by the petitioner. However, the Supreme Court time and again reiterated that the prisoners must be treated with dignity and in accordance with Articles 14, 19 and 21 of the Constitution. Therefore, this Court, in order to protect the right of the prisoners, directs the respondent authorities to conduct enquiry and pass appropriate orders, by considering the representation of the petitioner dated 25.10.2017, on merits and in accordance with law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition stands disposed of. However, there is no order as to costs.

[R.M.D., J.] [J.S.N.P., J.]
14 .11.2022

Internet : Yes
Index : Yes /No
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