



WEB COPY



W.P.No.10158 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10158 of 2004 and
W.P.M.P.Nos.11830 & 11831 of 2004

1. F.Ramasamy (deceased)

2. R.Veeralakshmi

3. R.Ilaya Bharathi

Petitioners

VS

1. State represented by Secretary
Government of Tamil Nadu
Fort St. George, Public Department
Chennai.

2. The Superintendent of Police
Trichy.

3. The Inspector of Police
Valuyampatti Police Station
Trichy.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pay to the petitioner compensation of a sum of Rs.4,00,000/- (Rupeesfour lakhs only) to prosecute on the basis of a fair and impartial investigation by constituting a special investigation team of senior and honest officers and take disciplinary action against the police personnel and others responsible for the wrongful confinement, illegal detention, torture, ill treatment of the petitioner.



W.P.No.10158 of 2004

For Petitioner : Mr.R.John Joseph
for M/s.P.V.S.Giridhar Associates

For Respondents : Mr.S.Ravichandran
Additional Government Pleader
for R1 to R3

ORDER

The relief sought for in the present writ petition is to grant compensation in respect of the custodial harassment suffered by the original petitioner during the pendency of the writ petition.

2. The original petitioner Mr.F.Ramasamy died and the legal heirs are substituted.

3. Learned Additional Government Pleader relied on the affidavit filed by the first respondent and made a submission that an enquiry report has been submitted and the Government is yet to take a decision. In this regard, paragraphs 4 and 5 of the affidavit reads as under:

“4. It is respectfully submitted that, this case is mainly concerned with the quarrel between the former Village Administrative Officer Thiru A.Ramasamy and Tmt.Backiyam, who encroached the land of Thiru A.Ramasamy and cultivated sugarcane crop and the personal enmity is continuing between



the Vaiyampatti police station to give a petition against Tmt.Backiyam, Tmt.Backiyam slapped him, against this Thiru.A.Ramasamy, in turn slapped her. By seeing the action of the former Village Administrative Officer, Thiru A.Ramasamy, the then Inspector of Police has attacked Thiru A.Ramasamy under the impression that he is attacking a woman. When there is a clash between the Inspector and Thiru A.Ramasamy, some Grade-II Police Constables have also tried to segregate them, since they felt that their higher official (i.e) Inspector of Police is attacked by a petitioner who came to the police to give a petition. The former Village Administrative Officer Thiru A.Ramasamy in his statement has agreed that he attacked the Inspector by using his leg. The Revenue Divisional Officer has categorically stated that it is not true that Thiru A.Ramasamy, former Village Administrative Officer was tied with a chain and beaten up by the police officials.

5. It is respectfully submitted that the District Collector, Tiruhirappalli District was directed to take steps to enquire the above case by Revenue Divisional Officer under Police Standing Order 151 and he has submitted the enquiry report. The District Collector, Tiruchirappalli District also sent a report to the Government. The examination of the enquiry report is under process of the Government and a



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decision is yet to be taken and it is submitted that the Government have not paid any compensation to the petitioner so far since there is no torture by the police personnel.”

4. In view of the affidavit filed, the first respondent is directed to consider the materials available on record and accordingly, take a decision and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. With these directions, the writ petition stands disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No
Neutral Citation : Yes/No

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To:

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Fort St. George, Public Department
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S.M. SUBRAMANIAM, J.

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