



WMP No.2307 of 2023
in W.P.No.33577 of 2005

Dr.ANITA SUMANTH, J.

Read this order in conjunction with order dated 12.01.2023 passed in W.P.No.33577 of 2005.

2. WMP No.2307 of 2023 is filed seeking modification of paragraph 3 of direction in order dated 12.01.2023. For clarity, the aforesaid order is extracted below:

Heard Mr.J.Saravanel, learned counsel for the petitioner and Mr.P.Kumaresan, learned Additional Advocate General for R1, R2 and R5 to R7.

2. The records are sought but Mr.P.Kumaresan, states that the same have been transferred to the State authorities as early as on 28.01.2003.

3. Justice.Mr.V.Bharathidasan, as early as on 11.11.2019, has directed the respondents counsel to produce the entire records relating to this case including RDO report. Only the report of RDO has been filed thus far. Thus, the State is put to terms and R1 will remit costs of a sum of Rs.50,000/-(Rupees Fifty Thousand only) to the Cancer Institute, Adyar, Chennai – 600020. Proof be placed on file. All records to establish the chain of events between 02.08.2002 till his demise on 07.08.2002, will be produced in originals and compilation be made of the extracts filed with copies served in advance upon the petitioner.

4. List on 31.01.2023.

3. The premise of order dated 12.01.2023, as is apparent from a reading of the order above, was that the records have not been produced before the Court despite a specific direction to produce the same as early as on 11.11.2019. This direction was given based on a perusal of the docket sheet notings subsequent to 11.11.2019 where there is no indication that records have been produced.



4. The original files of the Public (Law and Order -A) Department have been produced, which indicate that, in fact, on the next hearing, i.e., on 25.11.2019 the entire original records were produced by the officials through Additional Government Pleader for the perusal of the Court. Paragraph 5 of noting in the file on 26.11.2019 reads thus:

5.It is also submitted that the above Writ Petition came up for hearing on 25.11.2019 (Monday) as Item No.10 (Court Hall No.22) before his lordship Hon'ble Thiru Justice V.Bharathidasan. The S.O. of this section attended the Court and produced the original G.O. to the Additional Government Pleader, High Court of Madras. The Addl. Govt. Pleader has submitted the entire original records before his Lordship. After seeing the records, the Hon'ble Justice Thiru.V.Bharathidasan has directed that, the petitioner as well as Respondents 3, 4 and 5 (i.e.) Tvl. S.Ramalingam, Superintendent of Police, Thanjavur District, Thanjavur, T.P.Sakthivel, Inspector of Police, Thanjavur Taluk Police Station, Thanjavur, Inspector of Police, Kallaperambur Police Station, Thanjavur District have to appear for personal hearing before the Hon'ble Court and also adjourned the case by two weeks. After verification, the entire original records were returned by the Hon'ble Judge and the same is kept in the main file."

5. The docket sheet noting on 25.11.2019 reads thus:

'The Learned counsel for the petitioner would submit that she has no instruction from the client. Hence earlier, this Court ordered notice to the petitioner on 11.11.2019. Since notice is yet to be served on the petitioner, Registry is directed to post the matter after service of notice.'



6. Upon a combined reading of the aforesaid, I am convinced of the position that the records having been produced. There is thus no necessity for the respondent to be put to terms. The direction issued on 12.01.2023 putting the respondents to terms is not insisted upon as the respondents are not in violation of direction issued earlier. This Miscellaneous Petition is allowed.

7. Records are produced today, (i) Central Jail, (ii) State Jail, (iii) District Collector and (iv) Police authorities as well as (v) all communications that the aforesaid authorities have had with the State in regard to this matter. Let these records be retained in the possession of the learned Special Government Pleader for all future hearings till the disposal of the Writ Petition.

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31.01.2023

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