



W.P.No.8489 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.8489 of 2023

R.R.Gopaljee

.. Petitioner

Vs.

1. Union of India

Ministry of Home Affairs

Rep. by Home Secretary

North Block Central Secretariat, New Delhi.

2. The State of Tamil Nadu

Rep. by its Chief Secretary

The Secretariat

Fort St. George, Chennai 600 009.

3. The Director

Central Bureau of Investigation

Plot No.5-B, CGO Complex

Lodhi Road, New Delhi 110 003.

4. The Secretary to Government

Public (Law & Order) Department

Chennai 600 009.

5. The Director General of Police

No.1, Kamarajar Salai

Mylapore, Chennai 600 004.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the third respondent to investigate acts of persons cited in the Commission of Inquiry Report dated 23.08.2022 submitted to the Government of Tamil Nadu and of any other persons involved pertaining to the hospitalisation at Apollo Hospital, Greams Road, Chennai, subsequent treatment provided at the said Hospital till the demise of former Chief Minister of Tamil Nadu Late Selvi.Dr.J.Jayalalithaa on 04.12.2016, by adhering to the said Report of Commission of Inquiry and to move the criminal process in accordance with law under the direct monitoring of such investigation by this Hon'ble Court.

For the Petitioner : Mr.Perumbulavil Radhakrishnan

For the Respondents : Mr.R.Rajesh Vivekandan
Deputy Solicitor General
for Respondent-1

Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.P.Muthukumar
State Government Pleader &
Ms.A.G.Shakeena
for Respondents 2 & 4

Mr.R.Srinivasan
for Respondent-3

Mr.R.Muiyapparaj
Additional Public Prosecutor
Assisted by
Mr.C.E.Pratap
Government Advocate (Crl.Side)
for Respondent-5



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ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.Perumbulavil Radhakrishnan, learned counsel for the petitioner, Mr.R.Rajesh Vivekandan, learned Deputy Solicitor General for the first respondent, Mr.R.Shunmugasundaram, learned Advocate General, assisted by Mr.P.Muthukumar, learned State Government Pleader and Ms.A.G.Shakeena, learned counsel for the respondents 2 & 4, Mr.R.Srinivasan, learned counsel for the third respondent and Mr.R.Muiyapparaj, learned Additional Public Prosecutor, assisted by Mr.C.E.Pratap, learned Government Advocate (Crl. Side) for the fifth respondent.

2. The petitioner seeks a direction against the third respondent to investigate acts of persons cited in the Commission of Inquiry report dated 23.08.2022 submitted with the Government of Tamil Nadu.

3. The petitioner also filed a writ petition bearing SR No.119133 of 2022. The same was dismissed by this Court as the petitioner had



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not given any representation before filing the writ petition. The Division Bench of this Court, while dismissing the writ petition, observed that if a representation is filed, quietus can be given by the department. The petitioner has filed a representation on 03.12.2022 to the third respondent.

4. Learned counsel for the third respondent submits that the third respondent would decide the representation on its own merits.

5. In view of that, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

20.09.2023

Index : Yes/No
Neutral Citation : Yes/No

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North Block Central Secretariat, New Delhi.
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Fort St. George, Chennai 600 009.
3. The Director
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(kpl)

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