



WEB COPY



W.P.No.24290 of 2016

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24290 of 2016 and
WMP.Nos.20777 to 20779 of 2016

A.Raja

... Petitioner

Vs.

- 1.The Secretary,
Home Department,
Government of Tamilnadu,
Fort St.George, Chennai
- 2.The Secretary,
Health and Family Welfare Department,
Government of Tamilnadu,
Fort St.George, Chennai
- 3.The Superintendent of Police,
Thiruvannamalai District
- 4.The District Collector,
O/o.the Collectorate,
Thiruvannamalai District
- 5.Murugan
- 6.Nammalvar
- 7.Vijayakumar

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the third respondent to register a case against respondents 5 to 7 and consequently to put them on suspension until they prove their innocence on the basis of the petitioner's complaint dated 12.07.2016.



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For Petitioner : Mr.T.Arockia Dass

For Respondents

For R1 to 4 : Mr.L.Baskaran,
Government Advocate (Crl.Side)

For R5 to 7 : No appearance

ORDER

This writ petition has been filed for direction to the third respondent to register a case as against respondents 5 to 7 and also to take departmental action.

2. Though notice was served on respondents 5 to 7, no one appeared on behalf of respondents 5 to 7 before this Court either in person or through pleader.

3. The petitioner belongs to a scheduled community. He is an auto driver. While being so, on 11.07.2016 at about 12.30 p.m., when the petitioner along with his son went to Chengam Market Street to cut hair, at that juncture, his wife came there and there was an exchange of words between them. Respondents 5 to 7 with police uniforms intervened them and questioned them. Though the petitioner politely replied, they started attacking them. They also



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abused them with filthy languages by using their caste name. Though the petitioner resisted them from attacking, they manhandled and brutally attacked with lathi. In fact, they tore the petitioner's wife's jacket and abused her in front of general public. Those who came forward to help them, were threatened by respondents 5 to 7 herein. They also threatened them that a false case will be foisted against them. Due to brutal attack, they had sustained injuries all over the body and immediately, they were taken to Chengam Government Hospital. In fact, the acts of respondents 5 to 7 were captured in CCTV. The said barbaric act of respondents 5 to 7 were also telecasted in local TV channels.

4. On perusal of records such as the accident register recorded by the Assistant Surgeon, Government Hospital, Chengam dated 11.07.2016 revealed that the police personnels attacked them brutally near old bus stand of Chengam with wooden log. Immediately, the petitioner lodged a detailed complaint to all the higher officials including the Superintendent of Police, Tiruvannamalai and District Collector, Tiruvannamalai. However, no action was taken and as such, the petitioner was constrained to approach this Court by this writ petition. On the date of the admission itself, this Court by an order



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dated 14.07.2016 ordered to shift the petitioner and other two victims to the

Rajiv Gandhi Government General Hospital, Chennai. Immediately, they were shifted from the Government Hospital, Chengam to the Rajiv Gandhi Government General Hospital, Chennai for further treatment. They had taken treatment till 22.07.2016 and discharged from hospital. On perusal of the discharge summary issued by the Rajiv Gandhi Government General Hospital, Chennai revealed that the petitioner and two other victims i.e. his wife and his son sustained multiple serious injuries due to brutal attack by respondents 5 to 7. Thereafter, as per the Police Standing Order 151, the Deputy Superintendent of Police, Chengam Division, Tiruvannamalai directed the Revenue Divisional Officer, Tiruvannamalai to conduct a detailed enquiry. The Revenue Divisional Officer conducted detailed enquiry and recommended for departmental enquiry against respondents 5 to 7. However, no FIR has been registered so far. Further, no departmental action has been taken as against respondents 5 to 7 herein. At last, they have been transferred from their respective positions to Armed Reserve, Vellore. However, no FIR has been registered so far and no departmental action has been taken as against them.



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5. On perusal of the accident register, discharge summary and report submitted by the Revenue Divisional Officer, Tiruvannamalai revealed that without committing any fault, the petitioner and his family members i.e. his wife and his son were brutally attacked by respondents 5 to 7 herein, that too in a public place in front of general public. They were also abused using their caste name. Even then, no FIR has been registered against them so far. Therefore, this Court is inclined to issue the following directions.

(i) The third respondent is directed to initiate departmental proceedings as against respondents 5 to 7 herein forthwith.

(ii) The first respondent is directed to pay compensation of Rs.50,000/- (Rupees Fifty Thousand only) to each of the victims i.e. the petitioner, his wife and his son forthwith and the said compensation amount to be recovered from respondents 5 to 7 herein in accordance with law.

(iii) The third respondent is directed to register FIR against respondents 5 to 7 herein forthwith and to complete the investigation within a period of twelve weeks from the date of registration of FIR.

(iv) The Disciplinary Authority is directed to keep respondents 5 to 7 herein under suspension till the completion of disciplinary proceedings.



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Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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- 5.The Government Advocate,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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