



W.P(MD)No.12171 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P(MD)No.12171 of 2021

Tony Judu Smith

... Petitioner

-Vs-

1.The State,

Rep. by the Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi.

2.The Deputy Superintendent of Police,

Office of the Deputy Superintendent of Police,
Thoothukudi.

3.The Inspector of Police,

Thenpakkam Police Station,
Thoothukudi.

4.Seviyarammal

5.Penibit

6.Hermin

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent to conduct enquiry for the death of the petitioner's father, namely, Lawrence who died on 10.05.2021 in a suspicious manner and initiate appropriate action against the respondents 4 to 6 by considering the petitioner's complaint dated 13.07.2021.



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For Petitioner : Mr. S.Vishnuvardhan

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1 to R3

ORDER

The petitioner filed this writ petition seeking the issuance of Writ of Mandamus, to direct the 2nd respondent to conduct enquiry for the death of the petitioner's father, namely, Lawrence who died on 10.05.2021 in a suspicious manner and initiate appropriate action against the respondents 4 to 6 by considering the petitioner's complaint dated 13.07.2021.

2. The petitioner is the son of the deceased Lawrence. According to the petitioner, he is living in Chennai and his sisters are married and living in their in-law houses. His father was residing alone in their own farmhouse situated in their hometown-Thoothukudi. They received information about the death of his father. After seeing the dead body, he found some injury in the body. Hence, he suspected death of his father and gave a complaint before the third respondent police. There was no action till date. Hence, the complaint was made to the Superintendent of Police. Thereafter, he filed CrI.OP(MD)No.11270 of 2022 seeking to transfer the investigation from the



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3rd respondent/the Deputy Superintendent of Police, Thoothukudi to 2nd respondent/the Superintendent of Police, Thoothukudi and to conduct far investigation about the death of the petitioner's father. This Court passed the order dated 01.11.2022 wherein it is observed as follows:

“6. Further, the Inspector General of Police, South Zone at Madurai, is directed to nominate a competent officer on his assessment to consider the grievances of the petitioner that his father died in suspicious circumstances and buried by the relatives before he reached his native village. Further, the Inspector General of Police, South Zone at Madurai, is directed to supervise the enquiry through his subordinates other than the Superintendent of Police, Thoothukudi and the Deputy Superintendent of Police, Thoothukudi, by 05.12.2022. If any lapses found with the order in W.P(MD)No.12171 of 2021 dated 19.07.2021, the Inspector General of Police, South Zone, Madurai, shall pass order to departmental enquiry against the respondents 1 to 3.”

3. As per the order of this Court, the Inspector General of Police, South Zone appointed a new officer namely, the Deputy Superintendent of Police, Srivilliputhur, and the new officer conducted the enquiry and



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concluded that there was no material to initiate any proceedings against anybody on the basis of the complaint given by the petitioner. The Deputy Superintendent of Police, Srivilliputhur Subdivision conducted a detailed enquiry and submitted a report and the said report also served to the petitioner. The relevant portion of the status report filed by the Inspector General of Police, South Zone, at Madurai, reads as follows:

6. Deputy Inspector General of Police, Tirunelveli Range has submitted a report into the lapses committed regardign the non compliance of the Hon'ble High Court order in W.P.(MD).No.12171 of 2021. It is found that, the petitioner Tr.L.Tony Jude Smith had submitted a petition on 13.07.2021. The above petition was endorsed and sent to Inspector of Police, South Police Station, Thoothukudi fro enquiry on 14.07.2021 by the Deputy Superintendent of Police, Thoothukudi Town Sub Division vide N.Ref.261/Camp/SDO/Town/TUT/2021. Tr.J.Anantharajan, Inspector of Police, South Police Station, Thoothukudi had sent a summons to petitioner Tr.L.Tony Jude Smith to appear for enquiry on 13.08.2021. But, the petitioner appeared for enquiry on 15.08.2021 and gave a statement requesting 1 week time for submitting documents. Further, the petitioner failed to cooperate with the enquiry. This was recorded by this Hon'ble Court in an order in W.P.(MD).No.12171 of



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2021 and Crl.O.P.(MD).No.9779 of 2021 on 21.10.2021. The Court directed the petitioner to appear before the enquiry officer to cooperate. The petitioner moved the Hon'ble Maduria Bench of Madras High Court in Crl.O.P.(MD).No.11270 of 2022 to transfer the enquiry from Inspector of Police, Thenpakkam Police Station, to Deputy Superintendent of Police, CB-CID, Thoothukudi District. The enquiry was completed by Tr.Rajaram, Inspector of Police, South Police Station, Thoothukudi on 05.12.2022 only. Hence, there is an inordinate delay in disposal of the petition which was received on 13.07.2021 and disposed on 05.12.2022. Tr. J.Anantharajan, who served as Inspector of Police, South Police Station, Thoothukudi from 13.08.2020 to 01.07.2022 was responsible for the delay in disposing of the petition.

7. it is submitted that there was no suspicion regarding the death of Tr.Lawrence and property dispute between Tr.L.TonyJude Smith and Tmt.C.XAVIERAMMAL and her family resulted in the petition. Hence, the enquiry report has been accepted and the enquiry conducted on the petition dated 13.07.2023 given by Tr.L.Tony Jude Smith has been closed. Also necessary directions have been issued to the Deputy Inspector General of Police, Tirunelveli



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Range to initiate suitable disciplinary proceedings against Tr.J.Anantharajan, Inspector of Police, South Police Station, Thoothukudi.

4.In the said circumstances, this Court is inclined to dispose this petition with the following direction.

“ (i) In view of the enquiry conducted by the Deputy Superintendent of Police, there was no further order necessary in the writ petition.

(ii) It is open to the petitioner to challenge the report, if it is so advised.

(iii) Today, the Inspector General of South Zone filed a report. In the said report, it is stated that there is a proposal to take action against the Inspector of Police, Tr. J.Anantharajan, Inspector of Police, South Police Station, Thoothukudi for the inaction on his part, to comply the direction of this Court. Hence, this Court directed the Inspector General of Police, South Zone, to complete the enquiry within a period of two months from the date of receipt of a copy of this order.”



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5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
PJL/vsg

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thoothukudi.
- 3.The Inspector of Police,
Thenpakkam Police Station,
Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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K.K.RAMAKRISHNAN, J.

PJL/vsg

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