



W.P.(MD) No.10409 of 2008

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.P.(MD) No.10409 of 2008

and

M.P(MD)Nos.1 and 2 of 2008

P.Thangaswamy

... Petitioner

-vs-

1. The State of Tamil Nadu rep.by
Rep. by the Home Secretary
Fort. St.George, Chennai- 09
2. The District Collector
Nagercoil, Kanyakumari District
3. The Revenue Divisional Officer
Nagercoil, Kanyakumari District
- 4.The Superintendent of Police
Nagercoil, Kanyakumari District
5. The Superintendent of Police
Palayamkottai Police Station
Tirunelveli
6. The State Rep. by
Inspector of Police
Kanyakumari Police Station
Kanyakumari District

... Respondents



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WEB C **PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to provide compensation to the petitioner for the custodial death of his son in a suspicious circumstances.

For Petitioner : Mr.P.V.Vetrivel
for Mr.T.Lajapathi Roy

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Prayer in this writ appeal is to direct the first respondent to provide compensation to the petitioner for the custodial death of his son in a suspicious circumstances

2. It is the case of the petitioner that his son was done to death while he was in police custody and that he is entitled to compensation as per rules relied on by the Hon'ble Apex Court.



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3. The learned counsel appearing for the petitioner would submit that the petitioner has passed away on 06.05.2013 and he is unable to get information with regard to the legalheirs of the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner's son Rajan @ Urundai Rajan is a habitual offender against whom several cases were pending. Whiles, on 15.05.2006 when he was taken from Palayamkottai Central Prison for production before the Madras High Court, he escaped from police custody at Trichy bus stand and thereafter he was absconding. Thereafter special team was formed and while they were looking out for absconding person they came to know that the son of the petitioner was found at Anjugramam Village and when the police team went to apprehend him he had huried country bomb on the police party which resulted in the police party sustaining injuries. The police party has fired at him resulting him in his death. The case was registered in Crime No. 306 of 2006 for the offences under Sections324,332,307 of IPC and Sections 5,6 of Indian Explosives Act. Based on the proceedings of the District Collector, Kanyakumari enquiry was conducted by the Revenue Divisional Officer/Sub Divisional Magistrate, Nagercoil and after examining 64 witnesses and



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relying other documents, the Revenue Divisional Officer has given a report holding that the police party had acted as a right to private defence to safeguard them. The report was taken on file by the District Collector who had recommended for dropping action against the officials. Based on the recommendation of the District Collector, Kanyakumari District, Government of Tamil Nadu, by letter No.கடிதஎண் 7405/ச(ம)-ஒ-இ/2006-8, dated 11.12.2007 had accepted the report of the Revenue Divisional Officer and recommended the Collector to drop all further action against the officials. Further the report also had been forwarded to the State Human Rights Commission and now the further action has been dropped.

5. The Writ Petition is pending from the year 2008 and that the Revenue Divisional Officer has also given a report that on account of self defence the occurrence had happened and the said report has also been accepted by the Government, hence no further order is required to be passed in this petition.



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6. In view of the same, the Writ appeal stands closed. No costs.

[A.D.J.C., J.]

[K.R.S., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

- 1.The Principal Secretary to Government
Home (Prison -IV) Department
Fort St.George, Secretariat,
Chennai-600 009
- 2.The Additional Director General of Police
Inspector General of Prison, CMDA Towers-II
No.1 Gandhi Irvin Salai
Egmore, Chennai- 8
3. The Deputy Inspector General of Prison
Office of the Deputy Inspector General of Prison
Madurai Division
Madurai Central Prison Campus
Madurai- 16
- 4.The Superintendent of Prison
Madurai Central Prison
Madurai



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AND
K.RAJASEKAR, J.

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