



W.P(MD)No.31113 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.31113 of 2023

A.Lazar

... Petitioner

-Vs-

1.The Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 9.

2.The Director General of Police,
Directorate,
Chennai.

3.The Commissioner of Police,
Commissioner Office,
Madurai – 625 002.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the third respondent to pay off the compensation of Rs.20,000/- recommended by the second respondent in Rc.No.1523406/HR.3/2021 dated 27.01.2023 as per the order of the first respondent in G.O(D)No.942 on 06.07.2022 within a stipulated time fixed by this Court.



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For Petitioner : Mr.M.Mohamed Hafi
For Respondents : Mr.D.Gandhi Raj
Special Public Prosecutor (for R1)

Ms.M.Aasha
Govt. Advocate (crl. side) (for R2 & R3)

ORDER

The writ petition is filed seeking for issuance of a Writ of Mandamus directing the third respondent to pay off the compensation of Rs.20,000/- as recommended by the second respondent in Rc.No.1523406/HR.3/2021 dated 27.01.2023 as per the order of the first respondent in G.O(D)No.942 on 06.07.2022 within a stipulated time fixed by this Court.

2. Mr.D.Gandhi Raj, learned Special Government Pleader takes notice for the first respondent and Ms.M.Asha, learned Government Advocate (criminal side) takes notice for the respondents 2 and 3. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the daily wage earner and he is earning Rs.500/- per day. On 24.09.2017, he earned Rs.1500/- as salary for three days from his



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employer. After paying Rs.100/- for petrol, he had Rs.1400/-. When he rode his two wheeler viz., TVS scooty pep bearing Reg.No.TN-58-L-5782 at about 2.30 p.m near Periyar Bus Stand at Madurai, one Sub-Inspector of Police, by name, Rathinavel and one Police, by name, Ramsaravanan intercepted his vehicle for check-up. Though the petitioner showed all relevant two wheeler's documents, the police Ramsaravanan demanded him a sum of Rs.1000/- as bribe. Since the petitioner wore helmet, he refused to pay the same, however, the Sub-Inspector Rathinavel snatched away a sum of Rs.1400/- from his packet and refused to give away the said amount to the petitioner. When the petitioner asked to return the said amount, the police Ramsaravanan assaulted and threatened him that they will foist false case against him and send him to jail. The action on the part of the Sub-Inspector of Police and Police is sheer violation of human rights. Hence, on 26.09.2017, the petitioner gave a complaint before the Human Rights Commission to take action against the said delinquent police officers, which was numbered in SHRC No.7928/2017/C2.

4. The learned counsel for the petitioner would further submit that based on the said complaint, the State Human Right Commission conducted



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an enquiry and found guilty of Human Rights violation against the said police officials. On 14.09.2021, the Commission ordered compensation of Rs.20,000/- to be paid to the petitioner. As per the said order, the first respondent herein has to pay the said compensation of Rs.20,000/- within four weeks. He would further submit that the first respondent has passed G.O(D)No.942 dated 06.07.2022 and directed the second respondent to give away the reparation amount of Rs.20,000/- to the petitioner. Based on the recommendation, the second respondent, vide letter in R.C.No. 1523406/HR3/2021 dated 27.01.2023, directed the third respondent to pay off the compensation. However, till date, the third respondent has not paid compensation to the petitioner. Hence, the petitioner has filed the present writ petition for the above stated relief.

5. The learned counsel appearing for the respondents 2 and 3 would submit that the third respondent called for the bank account details of the petitioner in order to transfer the said compensation amount through his bank account, however, till date, the said bank details have not been obtained by the local police.



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6. In view of the above submission, the petitioner is directed to furnish the details of his bank account to the third respondent to enable him to disburse the compensation amount as per the direction of the second and first respondents within a period of two weeks from the date of receipt of a copy of this order. After receipt of the said details, the third respondent shall disburse the compensation within a period of four weeks.

7. With the above directions, this Writ Petition stands disposed of.

No costs.

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Index : Yes/No

Internet : Yes/No

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To

1.The Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 9.

2.The Director General of Police,
Directorate,
Chennai.

3.The Commissioner of Police,
Commissioner Office,
Madurai – 625 002.



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4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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V.BHAVANI SUBBAROYAN, J.

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