



W.P.No.4286 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.4286 of 2025

and

W.M.P.No.4794 of 2025

A.SATHISH KUMAR

... Petitioner

Vs

1. THE GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY,
HOME DEPARTMENT,
FORT ST.GEORGE, CHENNAI-2.
2. THE DISTRICT COLLECTOR
COLLECTORATE,
KRISHNAGIRI DISTRICT.
3. THE SUPERINTENDENT OF POLICE
DISTRICT POLICE HEAD QUARTERS,
KRISHNAGIRI DISTRICT
4. THE VILLAGE ADMINISTRATIVE OFFICER,
NATRAMPALAYAM,
ANJATTI TALUK,
KRISHNAGIRI DISTRICT.
5. THE INSPECTOR OF POLICE
ERIYUR POLICE STATION,
PENNAGARAM,
DHARMAPURI DISTRICT.
6. THE GOVERNMENT OF KARNATAKA
REP BY ITS CHIEF SECRETARY,



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VIDHANA SOUDHA, BANGALORE,
KARNATAKA STATE.

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7. THE SUPERINTENDENT OF POLICE
CHAMARAJ NAGAR & DISTRICT,
KARNATAKA STATE.
8. THE INSPECTOR OF POLICE
MADHESWARAMALAI POLICE STATION,
TEMPLE ROAD, M.M.HILLS (POST),
KOLLEGAL TALUK,
SAMRAJ NAGAR DISTRICT,
KARNATAKA STATE.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in impugned order in Na.Ka.01/2017/C1 dated 11.03.2024 passed by the second respondent and quash the same and consequently direct the respondents and more specifically to the first respondent to pay compensation of Rs.20,00,000/- to the petitioner.

For Petitioner	: Mr.P.Vijendran
For R1 & R2	: Mr.Stalin Abimanyu Additional Government Pleader
For R3, R5 & R7	: Mr.V.Meganathan Government Advocate (Crl.Side)

ORDER

This writ petition is filed challenging the impugned order in Na.Ka.01/2017/C1 dated 11.03.2024.

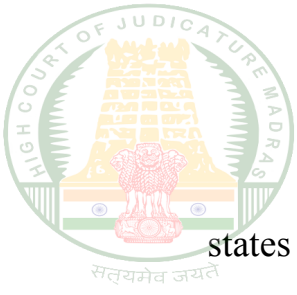


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2. The case of the petitioner is that his father's name is Arjunan. The

petitioner's father married Mariyammal who was the sister of one Veerappan.

The sixth respondent police, who are police personnel from the State of Karnataka had tortured the petitioner's mother and sought her help to secure the said Veerappan. She committed suicide on 11.09.1991, unable to bear the torture. Against his father, the Karnataka police registered a case in Crime No.190 of 1993 under various provisions, including the TADA Act. A separate case was also registered by the Tamil Nadu Police, in which a charge sheet was filed. After committal, the matter was pending before the Additional Session Judge, Fast Track Court, Dharmapuri, in S.C.No.200 of 2002. On 19.12.2006, the said Sessions Court recorded that the petitioner's father, A7Arjunan, had died during the pendency of the case and the charges against him were treated as abated. After the petitioner attained majority in 2007, he has been trying to find the fate of his father. He initially filed H.C.P.No. 2065 of 2009. His specific case was that his father was taken away by the fifth respondent for interrogation from their residence on 14.09.1995 and thereafter, his whereabouts were unknown. The HCP was disposed of by recording the averments made by the Karnataka Police, which



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states that they never picked up the petitioner's father, Arjunan, on 14.09.1995. The same was recorded and accepted and the Habeas Corpus petition was closed, keeping it open for the petitioner to pursue other remedies available under law.

3. Thereafter, the petitioner made several representations. He filed Writ Petition No. 7337 of 2017, in which an order was passed on 11.08.2022. The writ petition was filed for a mandamus directing the respondents, including the Government of Tamil Nadu and Karnataka, to pay compensation of Rs.20,00,000/- with 12% interest from the date of the petitioner's filing for the murder of his father, Arjunan. The said writ petition was disposed of with a direction for the petitioner to approach the authority constituted by the Government for determination of compensation by way of a fresh representation. If a representation is made by the petitioner, it was directed to be disposed of within a period of three months. When the petitioner made the representation and when the same was disposed of, in the contempt petition filed by the petitioner, liberty was granted to challenge the order passed by the respondents. The order dated 11.03.2024 passed by the



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second respondent disposing of the representation, is challenged before this Court.

4. *Mr.P.Vijendran*, the learned counsel appearing on behalf of the petitioner would submit that now, by the impugned order, the very death certificate issued to the father of the petitioner is being disputed. It is stated that the entry with reference to the death certificate itself is unfounded, as per the village records, there was no such serial number 18. Therefore, now the question is again writ large as to whether his father is alive or not and even when the death entry is disputed by the Government, the entire issue has to be thoroughly investigated. The date of death and the cause of death, if any, of the petitioner's father have to be investigated. If his father died due to custodial violence, then the petitioner will be entitled for compensation. In any event, the impugned order is liable to be interfered with by this Court, as when the petitioner has claimed compensation, while denying the same, there is not even any positive finding as to whether the petitioner's father is alive or dead and if so, whether his death was natural or due to any custodial violence by the police.



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WEB COPY 5. *Mr. Stalin Abimanyu*, the learned Additional Government Pleader appearing on behalf the first and second respondents would submit that such an enquiry cannot be made now after 30 years of the alleged death of the said Arjunan. It would not lead the authorities anywhere. It is not the specific allegation of the petitioner that the said Arjunan died only due to custodial torture. No complaint was ever registered and now after 30 years, these questions cannot be gone into, only for the purpose of deciding compensation.

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. This order is passed by the authorities pursuant to the direction passed in the earlier round of litigation. When the petitioner claimed compensation, the Court directed the respondents to consider the representation. It is not the specific case of the petitioner that the said Arjunan died due to any custodial violence. No complaint or criminal case has been



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registered till date. 30 years have passed by after the alledged death. The specific case was that he was last picked up by the Karnataka Police in 1995.

Therefore, when he filed the Habeas corpus petition, the Hon'ble Division Bench of this Court accepted the affidavit filed on behalf of the Karnataka Police, stating that he was not picked up on the said date as alleged by the petitioner. Therefore, that issue cannot be reopened now. Similarly, when there is no investigation or even a specific allegation as to the manner of death of the said Arjunan and after 30 years, the authorities cannot now be directed to once again investigate the entire issue and resolve the matter. The matter is concluded by the order of the Hon'ble Division Bench in the Habeas Corpus petition itself.

8. Though, the contentions of the learned counsel for the petitioner relating to the observations with reference to the death certificate issued to the petitioner's father require consideration in detail, however, that will not lead the petitioner anywhere, as it is not the case of the petitioner that his father is alive. The only conclusion that can be made is that the said Arjunan, unfortunately, is no more. When there is no specific allegation as to the



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manner of death whether it was due to the custodial violence of any police authority and that is not the subject matter of any criminal investigation for the past 30 years, there is no purpose in carrying the enquiry forward any further. This Court can empathise with the petitioner, being the legal heir of the said Arjunan. However, there is something called the future and it is time to move on.

9. Unable to find any merits, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.02.2025

Neutral Citation: Yes/No
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D.BHARATHA CHAKRAVARTHY, J.

nsI

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