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W.P.No.21946 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.21946 of 2023

D.Jayaprakash Narayanan

... Petitioner

Vs.

1.State of Tamil Nadu

Principal Secretary to Government,
Home (Police-HR) Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to disburse the compensation to the petitioner as per the orders issued in G.O.(D) No.289, Home (Police-HR) Department dated 13.03.2023 and also comply with all directions contained therein, within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondent-1 : Ms.S.Anitha, SGP



W.P.No.21946 of 2023

For Respondent-2 : Mr.S.Balaji, GA (Crl.Side)

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ORDER

This Writ Petition has been filed seeking a direction to the second respondent to disburse the compensation to the petitioner as per the orders issued in G.O.(D) No.289, Home (Police-HR) Department, dated 13.03.2023 and also to comply with all the directions contained therein, within a time frame as fixed by this Court.

2. Heard the learned counsel for the parties.

3. The brief facts which leads to the filing of the present petition is as follows:

3.1. The petitioner is a Civil Engineer and presently working as Engineer Grade-III at Vandavasi Municipality. On 23.11.2008, the petitioner was brutally attacked by few police personnels and remanded to judicial custody. On 08.02.2008, he gave a complaint before the Tamil Nadu State Human Rights Commission (SHRC) as against the said police personnels and after preliminary enquiry, his complaint was taken on file in SHRC Case No.11609 of 2008. The SHRC after completion of trial in Case



W.P.No.21946 of 2023

No.11609 of 2008, passed an order on 16.09.2019, concluding that the petitioner's human rights have been violated by the aforesaid police personnels and directed the Government of Tamil Nadu to pay a sum of Rs.5 lakhs as compensation to the petitioner, within one month from the date of the said order, with a clause to recover the same from the three police personnels namely, Ramalingam, B.Kumar and Mani. It also recommended to initiate disciplinary action and criminal action against the erred police officials as per the Rules and further recommended the Government of Tamil Nadu to give suitable instructions to the Director General of Police, Tamil Nadu for not granting any promotion to B.Kumar, since he is a habitual violator of the human rights of the victims. Thereafter, on 11.10.2019, the petitioner through his counsel made a representation to the first respondent to comply with the recommendations / order of the SHRC dated 16.09.2019. After four years, the first respondent passed the Government Order in G.O.(D) No.289, dated 13.03.2023 to implement the recommendations of the SHRC, by sanctioning a sum of Rs.5 lakhs towards compensation to the petitioner and also issued few other directions. However, the said G.O. was not complied with and hence, the petitioner made a representation dated 11.05.2023 to the second respondent herein, to disburse the compensation amount as per the said G.O. Dated 13.03.2023 and also to comply with the



W.P.No.21946 of 2023

directions as issued in the G.O., which was received by him on 12.05.2023.

But there was no positive response from the second respondent.

4. Aggrieved by the same, the petitioner with no other option had constrained to file the present Writ Petition seeking the relief as stated in the prayer.

5. The learned counsel for the petitioner submitted that even though the first respondent had issued G.O.(D) No.289 on 13.03.2023 in compliance of the order of the SHRC, the second respondent had erred in complying with the same. He also submitted that the petitioner made a representation in this regard to the second respondent, despite the same, there was no response. Furthermore, the learned counsel contended that the second respondent did not implement the paragraphs 7 to 9 of the said G.O. He urged that disciplinary as well as criminal action has to be taken against the erred police officials. Thus, the learned counsel prayed this Court to grant the aforesaid relief sought for by the petitioner in this petition.

6. Per contra, the learned counsel for the first respondent submitted that the compensation amount was deposited through ECS on 14.03.2024 to



W.P.No.21946 of 2023

the petitioner's account and the same was acknowledged by him.

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7. The learned counsel appearing on behalf of the second respondent submitted that in regard to registration of criminal case, based on the complaint of the petitioner, a case was already registered against the erred officials in Cr.No.70 of 2009 under Sections 147, 323, 325, 294(b) IPC r/w.3(1)(x) of SC/ST Act, 1989 against Kumar, Ramalingam and on completion of investigation, the case was treated as 'mistake of fact' and RCS notice 11 of 2009 was served on the petitioner. He further submitted that since Ramalingam and Mani had attained superannuation, no action has been taken against them and a show cause notice has been issued to erred official Kumar. He also submitted that since already criminal case was registered against the erred officials which was closed as 'mistake of fact', another complaint cannot be registered for the same offences. He added that assailing the same, the petitioner has filed CrI.O.P.Nos.5887 of 2015 & 4505 of 2016 before this Court which were dismissed with liberty to file a protest petition and the petitioner has also filed a protest petition which is pending for trial. He further submitted that in respect of the disciplinary proceedings, censure was issued against one erred official by name, B.Kumar and promotion was not granted to him. He also submitted that no disciplinary



W.P.No.21946 of 2023

proceedings have been initiated against the other two erred officials as they have retired from service. The learned Government Advocate submitted that the order of the first respondent issued in G.O. dated 13.03.2023, has been implemented by the second respondent and thus, prayed this Court for appropriate orders.

8. In response to the submissions of the learned Government Advocate (Crl. Side), the learned counsel for the petitioner submitted that censure was issued only against one erred official i.e., B.Kumar, and therefore, disciplinary action has to be taken against the other erred officials as per Pension Rules and also urged to register a criminal complaint against all the erred officials as per G.O. dated 13.03.2023.

9. It is seen that G.O.(D) No.289 dated 13.03.2023 was implemented in respect of payment of compensation to the petitioner and disciplinary action was initiated against one erred official viz., B.Kumar, by not granting promotion, however, in regard to the retired erred officials, no disciplinary action was taken and also no criminal case has been registered against the erred officials by the respondents as per the G.O. In such circumstances, this Court for compliance of the G.O. dated 13.03.2023, directs the respondents to take disciplinary action against the retired erred officials, as



W.P.No.21946 of 2023

per the Pension Rules and also to register a criminal case against all the
erred three officials and shall conclude the same in accordance with law.

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

There shall be no orders as to costs.

28.10.2025

Index: Yes/No

NCC : Yes/No

Order : Speaking/Non Speaking

DP

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home (Police-HR) Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.



WEB COPY



W.P.No.21946 of 2023

M.DHANDAPANI.J.

DP

W.P.No.21946 of 2023

28.10.2025