

W.P.(MD)No.25380 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.25380 of 2024

and

W.M.P(MD) No.25976 of 2024

Arul Selvam

... Petitioner

Vs.

1. The Director General of Police
D.G.P.Office, Mylapore
Dr.Radhakrishnan Salai
Chennai-625 005.
2. The Inspector of General(South Zone)
Office of the Inspector of General(South Zone)
Madurai.
3. The Superintendent of Police
Office of the Superintendent of Police
Virudhunagar District
4. The Deputy Superintendent of Police (CBCID)
Office of the Superintendent of Police(CBCID)
Virudhunagar District
5. The Sub Inspector of Police
Seithur Rural Police Station
Virudhunagar District
6. The District Collector
Office of the District Collector, Virudhunagar District



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7. The Tahsildhar
Rajapalayam Office
Virudhunagar District

8. The Dean
Tirunelveli Medical College Hospital
High Ground, Palayamkottai
Tirunelveli

9. The Administrative Medial Officer
Tirunelveli Medical College Hospital
High Ground, Palayamkottai
Tirunelveli.

10. The Forest Ranger
Office of the Forest Ranger, Rajapalayam Range
Virudhunagar District

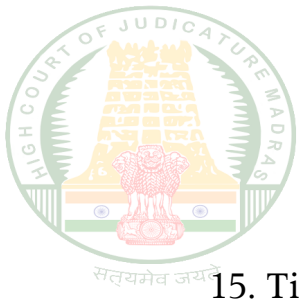
11. The Chief Medical Officer
Government Taluk Hospital, Rajapalayam
Virudhunagar District

*(RRs 10 and 11 impleaded vide Court order
dated 24.10.2024 in WMP(MD)21716/2024)*

12. Pooventhan
Forest Range Office, Sivakasi Wild Life Range
Srivilliputhur Division, Virudhunagar District

13. M.Ilavarasan
Forestor, Mudangiar Section
Rajapalayam Forest Range
Srivilliputhur Division, Virudhunagar District

14. R.Ramesh
Forest Guard, (Pulpathi Beat) Mudangiar Section
Rajapalayam Forest Range
Srivilliputhur Division, Virudhunagar District



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15. Tirupathi
Forest Guard(Kansapuram- Beat -I)
Srivilliputhur Forest Range
Srivilliputhur Division, Virudhunagar District
(RRs 12 to 15 impleaded vide Court order
dated 06.12.2024 in WMP(MD) No.24369 of 2024)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus directing the respondents 1 to 7 to take legal appropriate action based on the petitioner's complaint dated 17.10.2024 and the subsequent representation dated 18.10.2024 and entrust the investigation to the third respondent for fair and impartial investigation and to direct the third respondent to file periodic reporting to this Court.

For Petitioner	: Mr. Henri Triphange for D.Rajaboopathy
For Respondents	: Mr.M.Sakthi Kumar
No. 1 to 5	Government Advocate(Crl.Side)
No. 6 to 11	:Mr.M.Senthil Ayyanar Government Advocate
No.12 to 15	: Mr. Jeyamohan

ORDER

The prayer sought for in the present writ petition is to direct the respondents 1 to 7 to take legal appropriate action based on the petitioner's complaint dated 17.10.2024 and the subsequent



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representation dated 18.10.2024 and entrust the investigation to the third respondent for fair and impartial investigation and to direct the third respondent to file periodic report to this Court.

2. The case of the petitioner is that the petitioner is the wife of the deceased Kasirajan. The petitioner along with her husband and children used to engage in agricultural work. While so, the western forest officials one K.Tirupathi, M.Ilavarasan and Ramesh have received Rs.10,000/- claiming that the Tamil Nadu Government have issue license to take green available in the western forest area and has fixed a sum of Rs. 10,000/- towards license. Accordingly her son namely Kawaskar paid the said amount to the forest officials. Thereafter the said forest officials have not issued any license thereby the son of the petitioner demanded to return the money . Due to that enmity last June when the petitioner along with her husband were in the house, the Forest Conservator Tirupathi came there and stated that a case has been registered against the son of the petitioner Kawaskar for hunting deer on 23.05.2024 and the husband of the petitioner also replied that his son is not available. Immediately the said Tirupathi demanded money for the expenses to the higher



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authorities otherwise they would put up a case as tusks of elephants were under the possession of the husband of the petitioner. Again on 02.09.2024 when the petitioner along with her husband were in their paddy field the Forest Ranger M.Ilavarasan accompanied with two other persons trampled her husband with booted foot and attacked and also taken away the two wheeler and cell phone. Thereafter the husband of the petitioner went to Rajapalayam Forest Office and paid a sum of Rs.15,000/- and got back the two wheeler and cellphone. On 11.10.2024 the husband of the petitioner and her son came to the house and they were very tired and told that the forest officials attacked them and demanded Rs.1,00,000/- to withdraw the case against the son of the petitioner. Thereafter due to pain the husband of the petitioner consumed poison and unable to speak and suffered for normal breath and he was admitted in the Rajapalayam Government Hospital for treatment and thereafter he was taken to Tirunelveli Medical College Hospital for further treatment. He had taken treatment from 16.10.2024 to 18.10.2024 and thereafter he died on 18.10.2024 at 8.30 pm., Therefore the petitioner sent a complaint to various higher authorities, no action was taken. Thereafter the petitioner approached the respondents 1 to 6



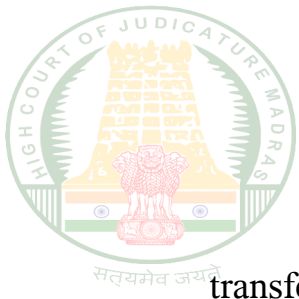
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through representation dated 19.10.2024 but no action was taken.

Already the petitioner has also filed an application to preserve the CCTV footage installed in the 10th respondent premises from 02.09.2024 @ 9.30 am., to 05.09.2024@ 7.00 p.m., Therefore the respondents 1 to 7 have to take action against the erring officials and hence the investigation of the case has to be transferred to the file of the third respondent.

3. The brief averments of the counter filed by the respondents 1 to 5 are that the son of the petitioner along with other have hunted deers in the forest area, thereby the forest officials have registered a case against the son of the petitioner, Kawaskar and others. Thereafter the son of the petitioner was released on bail. In the meantime the father of the petitioner consumed poison and he was admitted in the hospital on 16.10.2024 and thereafter he died on 18.10.2024 @8.30 PM., in the Tirunelveli Medical College Hospital. The wife of the deceased lodged complaint and the First Information Report has been registered in Crime No.128 of 2024 under Section 194 of BNSS and now the case is under investigation. In the meantime, the petitioner has filed this petition to



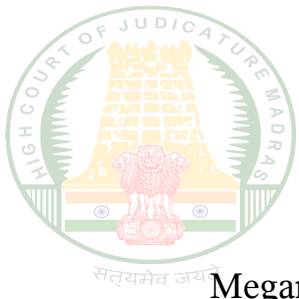
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transfer the investigation of the case in this case. Further the investigation is going on in a fair manner. There are no specific allegations against the investigation officer and therefore investigation need not be transferred. Further the husband of the petitioner died by consuming poison. After registration of the First Information Report the post mortem was also conducted and body was also handed over to the petitioner. Thereafter the petitioner filed this petition by making false allegations. There are no grounds to transfer the case and the main grievance of the petitioner is for claiming compensation and there are some allegations against the forest officials. So far as this respondent is concerned, there are no grounds to transfer the investigation, hence the petition is liable to be dismissed.

4. The brief averments of the counter filed by the tenth respondent is as follows:

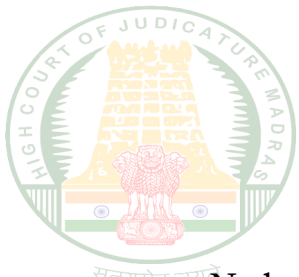
The petitioner has filed this petition to consider the petitioner's representation dated 17.10.2024. As per the order of the Chief Conservator of Forest and Field Director, Srivilliputhur Megamalai Tiger Reserve, Madurai and the Deputy Director, Srivilliputhur



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Megamalai Tiger Reserve, Srivilliputhur Division, conducting wild life census of Synchronized Elephant population Estimation 2024 scheduled from 25.03.2024 to 25.05.2024. For that purpose trial cameras had been installed all elephant bearing forests of Srivilliputhur Division. On 22.05.2024, one pair of camera trap installed in Ayyankollamkondan-III Reserve Forest, Pulpathi Beat, Vanuchi Oorani, Rajapalayam Range. While so, 25.05.2024 at about 5.15 pm., in Rajapalayam Range office while checking the memory card of the camera trap which were installed at Pulpathi beat there was multiple photographs of the first accused Ariyankavu carrying Sambar deer and the other accused following him with liquor bottle, plastic water bottle and weapons. On the basis of the photographic evidence immediately special team was formed and arrested the above said accused persons, on 25.05.2024 the first accused was arrested and the co-accused were absconding on that day. After detailed investigation and based on the confession given by Ariyankavu(A1) the other accused persons were also included and Wild Life offence(WLOR No.4 of 2024) was registered on 26.05.2024 for the offences under Sections 2(14,16,20,25(b),26,35,36,37),9,27,31,39,50,51 and 57 of Wildlife (Protection) Act, 1972 and Section 21(d), 51 of Tamil



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Nadu Forest Act,1882. Thereafter Ariyankavu(A1) was arrested and remanded to judicial custody. On 05.06.2024, Kanagaraj/A2, Muneeswaran/A3, Kawaskar/A5 and Nanthakumar@ Mulukkan/A6 applied for anticipatory bail before this Court and this Court had directed the accused persons to appear before the Rajapalayam Forest Range Office daily at 10.30 am., from 07.06.2024 onwards and co-operate for enquiry. Thereafter the fifth accused/Kawaskar third time applied for anticipatory bail before this Court stating that marriage is fixed and scheduled to be conducted on 15.09.2024, this Court directed to deposit a sum of Rs.50,000/- to the respondent and granted anticipatory bail. Further no license is granted for the agricultural work and the people of the village would collect turkey berry (Sundaiakai) Prindai and Manathakali greens from the western forest and sell them in the Rajapalayam market to earn additional income. In this Tiger reserve the admitted rights of Minor Forest products like Sundaikai , Prindai, Manathakali greens and etc., collection only for tribal people living in hamlets viz., Ayyanarkoil Shengabagathoppu, Athikoil, Thaniparai,Vinobanagar and Valliammainagar as per the Scheduled Tribes and other Traditional Forest Dwellers. The forest officials never



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received any amount from the petitioner for license as alleged by the petitioner. The allegation is that one Tirpuathi came to the house of the petitioner and demanded money and also assaulted the husband of the petitioner. The allegations levelled against the forest officers are not correct. The forest officials never demanded any money to close the case. The husband of the petitioner never came to Rajapalayam Forest office after 11.10.2024. On 01.07.2024 onwards K.Tirupathi was transferred and presently working in Kansapuram Section, Kansapuram Beat-II, Srivilliputhur Range . The said Tirupathi was not present on 11.10.2024 at the Rajapalayam Range Office and M.Ilavarasan and R.Ramesh never assaulted or insulted not spoke about the husband of the petitioner. In the anticipatory bail petition, the son of the petitioner has not stated about the allegations mentioned in the present affidavit . The husband of the petitioner was not called for enquiry and he is no way connected with the wild life case. The forest officials never threatened the husband of the petitioner at any point of time, therefore the present petition is liable to be dismissed.



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5. The learned counsel appearing for the petitioner would submit that the forest officials demanded money from the husband of the petitioner and assaulted, thereby the husband of the petitioner consumed poison. But the police officials registered a case only as suspicious death under Section 194 of BNS and obtained signatures from the petitioner in blank papers and prepared the complaint. Therefore the case has to be transferred for fair investigation. Further the petitioner also filed petition to preserve the CCTV footage from the office of the tenth respondent. Since the forest officials assaulted the deceased the CCTV footage is very essential in this case. Therefore the petition is filed.

6. The learned Government Advocate appearing for the police officials would submit that the petitioner lodged a complaint and a case in Crime No. 128 of 2024 was registered under Section 194 of BNS and now investigation is pending. Now this petition is filed to transfer the investigation without any ground. As per the investigation no *prima facie* materials as against the forest officials and if any materials available then they can take appropriate action in accordance with law.



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7. The learned Government Advocate appearing for the forest officials would submit that the son of the petitioner involved in deer hunting case and case has been registered in WLOR No.4 of 2024 and it is pending. While so the son of the petitioner got bail before the High Court for which the husband of the petitioner incurred some expenses thereby due to financial crisis he consumed poison and died. Now the petitioner filed this petition with false allegations. As far as CCTV footages are concerned no CCTV cameras were installed in the 10th respondent office. Therefore the petition is liable to be dismissed.

8. The learned counsel appearing for the respondents 12 to 15 would submit that a false case has been filed against the respondents 12 to 15. The son of the petitioner involved in a wild life offence case and thereby a case has been registered against him. Thereafter the son of the petitioner was released on bail . In the meantime due to financial crisis the husband of the petitioner died by consuming poisons. These respondents are no way connected to the death of the husband of the petitioner. At the time of alleged incident, the said Tirupathi was not at



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all working in the said station, therefore with false allegations, the present petition has been filed to threaten these respondents.

9. Heard both sides and perused the materials available on record.

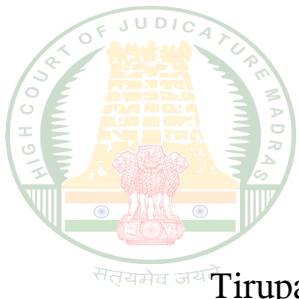
10. According to the petitioner her husband was brutally attacked by the forest officials, thereby the husband of the petitioner consumed poison and died. The above said allegations are denied by the forest officials. According to the forest officials the son of the petitioner involved in a case of hunting Sambar deer. The petitioner's son along with others have hunted sambar deer and thereby a case has been registered in Wild Life offence(WLOR No.4 of 2024) on 26.05.2024 for the offences under Sections 2(14,16,20,25(b),26,35,36,37),9, 27, 31, 39, 50, 51 and 57 of Wildlife (Protection) Act, 1972 and Section 21(d), 51 of Tamil Nadu Forest Act,1882. Now the petitioner filed this petition to take action against the forest officials. Already the petitioner sent representation to the forest officials no action was taken. Therefore this petition is filed to take action against the officials and to transfer the case from the present investigation officer to the third respondent.



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11. This Court carefully perused the entire materials. The petitioner filed petition stating that she has sent a representations on 18.10.2024 and 19.10.2024 but the same has not been considered by the officials. The copy of the representations are also annexed with the writ petition. One of the representation was sent to the Director General of Police , Inspector General of Police, Madurai, Superintendent of Police, Virudhunagar and CBCID and Inspector of Police, Seithur Police Station, Viruthunagar District, wherein there are some allegations against the forest officials alleging that the forest officials demanded Rs.1,00,000/- for withdrawal of the case and therefore the petitioner along with her son and husband went to the forest officials on 11.10.2024 and asked to reduce the amount. At that time they abused the husband of the petitioner and therefore on 17.10.2025 at about 8.00 am., she came to know that her husband consumed poison on 16.10.2024 @ 8.00 am., and thereafter he was taken to hospital and later he died. The Inspector of Police insisted the petitioner to put signature as if her husband died in a suspicious manner. Therefore action has to be taken against the Inspector of Police and also against the forest officials



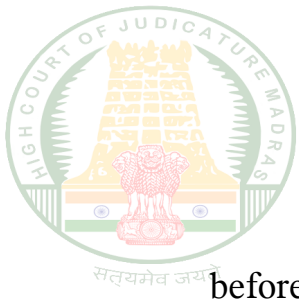
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Tirupathi, Ilavarasan and Ramesh for abetment to commit suicide of her husband.

12. On the same day another complaint was lodged to the District Collector alleging that her husband was admitted in the hospital on 17.10.2024 and the Inspector of Police, Seithur Police Station obtained statement from her husband, where her husband stated about the inducement made by the forest officials Tirupathi, Ilavarasan and Ramesh for committing suicide and no First Information Report has been registered under the appropriate provisions.

13. Again on the same day for the same set of allegations the petitioner has sent a complaint to the District Revenue Officer, Sivakasi and Tahsildar. The First Information Report has been registered on 16.10.2024. After two days, the above said representations have been sent to the concerned authorities. No where in the complaint they stated any allegations against the investigation officer and only sent a representation to the higher authorities to include the name of the forest officials. Now the case is under investigation. In the affidavit filed



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before this Court along with the writ petition, no where stated about the grounds for transfer of the case and no any allegations against the police officials. More over the prayer sought for in this petition is also not specific. Therefore without any materials the prayer of the petitioner cannot be considered. Since there are no grounds and no any specific allegations against the investigation agency the case cannot be transferred without any valid reasons. Therefore the investigation may go on and the present investigation officer is directed to conduct fair investigation. If the petitioner has any materials in respect of the death of her husband she is at liberty to produce the same before the investigation officer and the same shall be considered by the Investigation Officer.

14. The petitioner also filed petition to preserve the CCTV footage and the forest officials stated that the CCTV footage is not available, more over as per petition averments the petitioner stated that the forest officials assaulted the husband of the petitioner in the paddy field. Again they demanded money, thereby the son and husband of the petitioner went to the office of the Forest Ranger, Rajapalayam where they assaulted her husband. But as per post mortem certificate no any

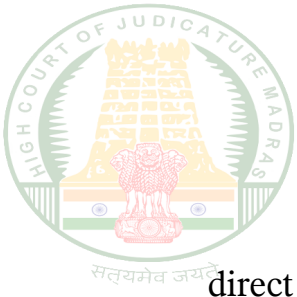


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external injuries. Whereas in the representation the petitioner stated that the forest officials demanded money of Rs.1,00,000/- and also compelled to admit the case and to release her son and she also went to the forest office and confirmed the demand of money. Thereafter the petitioner and her husband unable to arrange money, thereby her husband was under depression. Therefore as per the representation dated 18.10.2022 and 19.10.2024 no any allegations of assault and only allegation of demand money. Those representations are after the death of the husband of the petitioner. Therefore at this stage this Court cannot form any opinion, since the case is under investigation, thereby it is appropriate to conduct investigation by the same officer. Since there is no any allegation of assault in the representations made by the petitioner the preservation of CCTV footage is no way relevant. More over, as per the respondents there are no CCTV footages available. In view of the above discussions the prayer of the petitioner cannot be granted and hence the W.M.P.(MD)No.25976 of 2024 stands dismissed.

15. So far as taking action against the forest officials are concerned this Court by invoking Article 226 of the Constitution of India cannot



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direct the police officials to take action while the investigation is pending. Since the investigation is pending if any order passed by this Court it will affect the fair investigation. As per private respondents , 15th respondent/ Tirupathi is not all working in the said forest office and transferred to some other place. Therefore it needs elaborate investigation. After completion of investigation based on the materials the officials can act in accordance with law. Further if any incriminating materials are available as against the forest officials it is for the investigation officer to take appropriate action in accordance with law.

16. With the above direction the Writ Petition stands disposed of.

No costs.

18.03.2025

NCC : Yes / No

Index : Yes / No

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To

1. The Director General of Police
D.G.P.Office, Mylapore
Dr.Radhakrishnan Salai
Chennai-625 005.

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2. The Inspector of General(South Zone)
Office of the Inspector of General(South Zone)
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3. The Superintendent of Police
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Office of the Forest Ranger, Rajapalayam Range
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Government Taluk Hospital, Rajapalayam
Virudhunagar District

12. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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