



WEB COPY

WA Nos. 264 & 308 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
&
THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**WA Nos. 264 & 308 of 2026
&
CMP NOs. 2434 & 2766 of 2026**

W.A.No.264 of 2026

- 1) Government of Tamil Nadu
Rep. by Secretary,
Public (Law and Order-A) Department,
Chennai.
- 2) The Additional Director General of Police and
Inspector General of Prison,
Tamil Nadu Prison Department,
Egmore, Chennai.
- 3) The Superintendent of Prison
Central Prison,
Coimbatore.

..Appellants

Vs

Satheesh
S/o. Mahlingam,
No.732/88A, 145
Devinipatti,
Pudupatti,
Sivaganga District.

..Respondent

WA No. 264 of 2026

Writ Appeal filed under clause 15 of the Letters Patent to set aside the order



W.A.No.308 of 2026

- $$V_S$$

..Respondent

Writ Appeal filed under clause 15 of the Letters Patent to set aside the order dated 30.08.2023 made in WP No. 20558 of 2023 on the file of this Court.

For Respondents in both appeals : M/s.A.Poonkodi For Sole Respondent



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COMMON JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

These two Writ Appeals have been preferred against the common order passed by the Writ Court dated 30.08.2023 made in W.P.Nos.20558 and 20560 of 2023.

2. The respective respondents were the writ petitioners who were working as Grade II Warders at Coimbatore Central Prison.

3. A prisoner, by name, Sakthivel was arrested for an offences under sections 302, 307, 394 r/w.397 IPC who was initially lodged in Sub Jail, Tiruppur on 01.01.2021 and thereafter, shifted to Central Prison, Coimbatore on 27.01.2021 and has been lodged in Tower 9th block.

4. While that being so, on 03.02.2023 at about 4.02 hours, that is early morning, the prisoner attempted to commit suicide by hanging himself by using cotton dhoti in the iron grill. Having been noticed the same, the duty warden immediately rescued the prisoner and rushed to the hospital, however, at the Coimbatore Medical College Hospital, it was declared that the said prisoner dead.



5. Thereafter, a Magisterial enquiry was ordered, which was conducted by the Judicial Magistrate No. III at Coimbatore and after enquiry, the Judicial Magistrate has come to the conclusion that the death occurred due to the suicide by hanging. All the medical evidences also substantiated the same.

6. However, the issue had gone to the National Human Rights Commission, which, after having gone through the case had recommended for the adequate compensation payable to the kith and kin or family members of the deceased prisoner to the extent of Rs.5 lakhs.

7. Thereafter, the Government had issued a Government Order in GO.Ms.No.321 Public (Law and Order – A) Department, dated 24.05.2023, whereby, a sum of Rs.3 lakhs had been ordered as a compensation payable to the kith and kin of the deceased prisoner's family.

8. In the said Government Order itself, it has further been stated by the Government that the said amount of Rs.3 lakhs be recovered from the Warders, that is the two respondents herein in both the appeals, as the death occurred due to their negligence and lapse in security.

9. Pursuant to the said Government Order, a show cause notice was issued to the respondents/writ petitioners on 08.06.2023, whereby, it had been stated that the Government decided to recover the said amount of Rs.3 lakhs



from both the writ petitioners/respondents, i.e., Rs.1.50 lakhs each and therefore, a show cause notice was sought for.

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10. Reply had been given by the petitioners to the show cause notice, where, it seems that they have stated that challenging the show cause notice, they have already approached the Court by filing writ petitions.

11. However, by order dated 06.07.2023, the appellant herein i.e., the 3rd appellant/Superintendent of Prison, Central Prison, Coimbatore had rejected their plea in one line and directed to recover the said amount from these two writ petitioners.

12. The said Writ Petitions challenging the show cause notice dated 08.06.2023, already been filed before the Writ Court, having been heard, were disposed by the order impugned of the Writ Court dated 30.08.2023, whereby, the learned Writ Court, having gone through the factual matrix of the case, including the report of the Magisterial enquiry as well as the medical evidences, which suggested and supported the case that the cause of death is due to the suicide, by hanging committed by the prisoner and therefore, the two writ petitioners who are unconnected with the said suicide attempt made by the prisoner and moreover, the prison key must be with the Jailor and during the early hours on the fateful day, i.e., 03.02.2023, since it had occurred within the



9th block in the Cell itself, it cannot attribute any reason on the Warders, i.e., the writ petitioners. Therefore the conclusion arrived by the Government by passing the GO and subsequently, the impugned show cause notice dated 08.06.2023 fixing the liability on these two writ petitioners, thereby the proceedings issued to recover the amount is erroneous one, hence the learned Writ Court has shown its indulgence in setting aside the show cause notice dated 08.06.2023 by allowing both the writ petitions through the impugned order

13. Mr.S.Yashwanth, learned Addl. Govt. Pleader appearing for the appellant in both the cases have made submissions by stating that the respondents/writ petitioners though filed the writ petitions challenging the show cause notice dated 08.06.2023, they have not chosen to challenge the Government Order in G.O.Ms.No.321 dated 24.05.2023, where, only a decision to fix the responsibility on the Warders since had been taken, unless the Government Order is challenged, the consequential show cause notice cannot be independently challenged and therefore, on that ground itself, the writ petitions ought to have been dismissed, however, the learned Judge without considering all these aspects in proper perspective, has come to the conclusion wrongly. Hence, the impugned order is liable to be interfered with, he contended.



14. We have considered the said submissions made by the learned Addl. Gvot. Pleader appearing for the appellant and have perused the materials placed before this Court.

15. We infact, perused the content of the GO.321, Public (Law and Order-A) Department, dated 24.05.2023, wherein, in paragraph 5, it has been stated as follows:

‘5. The Government after careful examination have decided to sanction a sum of Rs.3.00 lakh as per the Policy decision of the Government of Tamil Nadu in G.O.Ms.No.116, Public (Law and Order-A) Department, dated 14.02.2023, as compensation to the Next of Kin of the deceased Remand Prisoner Thiru.Sakthivel, S/o.Thiru Bomma Naicker, Central Prison, Coimbatore and to recover the said compensation amount from the concerned prison officials as death occurred due to their negligence and lapse in security.’

The Government while issuing the said Government Order, has stated that the Government after careful examination, has decided to sanction Rs.3 lakhs as per the policy decision of the Government of Tamilnadu in *G.O.Ms.No.116, Public (Law and Order-A) Department*, dated 14.02.2023 as compensation to the next of kith and kin of the deceased remand prisoner Thiru.Sakthivel, Central Prison Coimbatore and further stated that and to recover the said compensation amount from the concerned prison officials, as the death



occurred due to their negligence and lapse in security.

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16. This assertion that has been made by the Government at paragraph 5 of the Government Order referred above is not based on any material. The reason being that before passing the Government Order, no independent enquiry has been conducted by the Government, except the Magisterial Enquiry. The Magisterial Enquiry report clearly indicates that the cause of the death was only due to the hanging and the post mortem certificate and final opinion of the Hospital authorities is also supporting the report of the Judicial Magistrate.

17. This, in fact has been stated by the Government in paragraph 2 of the Government Order itself. Thereafter, no departmental proceedings also had been initiated against these writ petitioners.

18. When that being so, if at all the Government had taken a policy decision to pay compensation for the death occurred to any of the remand prisoner, it might be the policy decision of the Government, for which, in order to implement the same, if any monetary compensation is paid, such monetary compensation cannot be recovered from the officials of the staff of the Jail unless and until it is proved based on the enquiry conducted in this regard that due to the negligence or lapse of duty of these officers only, such a death has occurred.



19. Here in the case in hand, no such enquiry has been conducted and no materials to show the finger that the death occurred to the prisoner only due to the lapse of duty on the part of the staff.

20. When that being the position, the cryptic conclusion that has been made in paragraph 5 of the said GO itself is palpably wrong, as without any basis, such a conclusion since has been arrived at by the Government, based on which, We are of the opinion, that the 3rd appellant/Superintendent of Prison, Coimbatore Central Prison cannot have a jurisdiction to issue a show cause notice stating that it has been decided to recover the compensation amount from these writ petitioners. Therefore, there was every justification on the part of the writ petitioners to challenge the show cause notice dated 08.06.2023 independently and therefore the mere challenging of show cause notice dated 08.06.2023 would no way hamper the prospectus of the petitioners to proceed with the said writ petitions and thereby the said ground raised by the learned Addl. Govt. Pleader appearing for the appellant is liable to be rejected and accordingly it is rejected.

21. Since there has been no reason to show the finger against these officials as if the death had occurred due to their negligence and lapse in security, as stated by the Government in paragraph 5 of the GO, the further



move to recover the said compensation amount from these officials is thoroughly unjustifiable. Therefore, there was every justification on the part of the learned Writ Court to come to such a conclusion in allowing the writ petitions through the impugned order.

22. In that view of the matter, We are not inclined to interfere with the common impugned order passed in these appeals by the Writ Court and thereby the Writ Appeals are liable to be rejected. Accordingly, they are dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.K.,J.] [S.S.A.,J.]
17-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

msr



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