
(2013) 06 MAD CK 0039

In the Madras High Court

Case No : Writ Appeal No. 2578 of 2003 and WAMP No. 3982 of 2003

Anjalam

APPELLANT

Vs

Superintendent of Police and Others

RESPONDENT

Date of Decision : 18-06-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 174
Penal Code, 1860 (IPC) — Section 302, 366

Citation : (2013) WritLR 767

Hon'ble Judges : N. Kirubakaran, J; Elipe Dharma Rao, J

Bench : Division Bench

Advocate : V. Suresh for Mrs. Sudha Ramalingam, for the Appellant; S. Gomatnayagam, A.A.G. assisted by Mrs. A. Srijayanthi, G.A. for R. 1 and R. 2, Mr. Elamvaluzhi for Mr. K.J. Nithianandam for R. 3 and Dismissed for R.4 to R.6, for the Respondent

Final Decision : Allowed

Judgement

Elipe Dharma Rao, J.—The appellant is the wife of the deceased Pandian. Claiming that her husband Pandian was tortured and done to

death by respondents 3 to 6, all police officials, in connivance with some named private persons, she filed a writ petition before the learned single

Judge, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to launch prosecution against the respondents 3 to 6 under

appropriate provisions of the Indian Penal Code, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and other laws,

award suitable compensation to the appellant herein for the death of her husband, Pandian. Since her prayer was not answered by the learned

single Judge in the manner expected by her, she has come forward to file this writ appeal. From the materials placed on record, the factual aspects

that we are able to collect are that one Seeman, son of Sengamalai Udayar of Veppur Village, Perambalur Taluk of the then composite Trichy

District, lodged a complaint on 8.12.1994 at 10 am (Thursday) with Kunnam Police Station alleging that his minor daughter Selvarani, aged 16

years, was kidnapped by one Mohan, son of Paramasivan of Arthur Village, who was working in his rice mill at Veppur as a driver, on the night of

4.12.1994 (Sunday). Based on this, a case in CR. No. 307/1994 of Kunnam P.S. was registered u/s 366 IPC. According to the respondents, in

spite of the sustained efforts put in by Kunnam Police, the accused Mohan and the kidnapped girl Selvarani could not be traced. Thereafter, the

above said complainant Seeman filed a Habeas Corpus Petition in H.C.P. No. 117/1995 before this Court on 23.1.1995, seeking production of

his kidnapped daughter Selvarani before this Court.

2. In the said HCP, this Court, by the order dated 26.7.1995, directed the Superintendent of Police, Trichy to enquire, investigate and submit a

report on or before 3.8.1995. It is in these circumstances that the third respondent Mr. Kasthuri Gandhi was entrusted with the investigation of the

matter by the first respondent.

3. It is the case of the petitioner/wife of the deceased that her husband was hand-picked by the police party headed by the third respondent from

Chennai and was tortured and done to death while he was in police custody and thereafter, the body was hanged to the neem tree, to mess up the

things.

4. According to the counter affidavit filed by the first respondent/Superintendent of Police, the third respondent Mr. C. Kasthuri Gandhi, in his

efforts to trace the victim girl, went to Chennai on 1.8.95 along with Grade I P.C. 1113 Chinnadurai/the 5th respondent, complainant Seeman and

witness Subramanian to make enquiry with the deceased Pandian and the said Pandian, who was working at Kothavalchavadi as a coolie, was

enquired by the police party and on his information, the police party along with Pandian went to Royapuram slum area and made enquiries about

the reported stay of the accused and the kidnapped girl, but in vein. Thereafter, the said Pandian took the Inspector and his party to Chintadripet

stating that his brother-in-law Chellamuthu, an auto-driver, knows the whereabouts of the accused and Selvarani; that the auto drivers at

Chintadripet informed the third respondent that the said Chellamuthu had gone to his native place Kilumathur to celebrate "Aadi Perukku" festival, then the deceased Pandian left the place stating that he was going to his native village along with his brother-in-law Chellamuthu on 2.8.95 at 20.00 hrs. Then, the third respondent left Madras along with his party on 2.8.95 evening and reached Kilumathur village at 23.00 hours on the same day; that the said Pandian who was waiting at Kilumathur village told the Inspector that his brother-in-law Chellamuthu shouted at him for he had informed police about his knowledge regarding the whereabouts of the accused Mohan and the kidnapped girl Selvarani; that Pandian also showed the house of his brother-in-law Chellamuthu from a distance; that the third respondent Kasthuri Gandhi came to know after enquiries with the father and brother of Chellamuthu that Chellamuthu had gone to his sister's house at Veppur village and he wanted to take Pandian to Veppur to identify Chellamuthu and as Pandian was not available, the third respondent and his party went to Veppur village at 00.30 hours on 3.8.95 and left the complainant Seeman and his brother Subramanian at their houses and then returned to Pandian's house and enquired Pandian's wife about the whereabouts of Pandian and Chellamuthu and she told the police party that Pandian and Chellamuthu had not come to her house; that in these circumstances, Mr. Panneerselvam, Village Administrative Officer of Kilumathur lodged a complaint with Kunnam Police Station at 22.00 hours on 4.8.95 stating that the said Pandian was found hanging on a neem tree at Kilumathur village and therefore, a case in CR. No. 171/95 of Kunnam P.S. was registered u/s 174 Cr.P.C. On the above averments, the respondents have stated that all the allegations made by the appellant are far from truth and hence prayed to dismiss the claim made by her.

5. A learned single Judge of this Court, by the order dated 16.6.2003, has disposed of the writ petition with the following observations:

5. The learned counsel appearing for the petitioner has very vehemently contended that there are number of decisions rendered by this Court as well as by the Supreme Court awarding compensation for the custodial death. There cannot be any dispute as to the judgments. However, as stated above, taking under custody of the deceased Pandian was in dispute in this case. Such a disputed fact cannot be resolved by affidavit and

counter affidavit. The learned counsel further contended that the complaint registered u/s 174 Cr.P.C. may be converted into F.I.R. u/s 302 of IPC

and the police officer may be directed to investigate the matter. Such direction cannot straight away be given by this Court.

6. However, the first respondent is hereby directed to inquire into the complaint, which is pending on the file of the Padalur Police Station and on

such enquiry, if it has become necessary, the respondents may alter the F.I.R. suitably. The first respondent is further directed to furnish the

petitioner a copy of the report of the Revenue Divisional Officer, Ariyalur dated 29.9.1995 forwarded to the Collector along with the final post-

mortem report pertaining to the death of the husband of the deceased. The said direction has to be complied with on demand by the petitioner

without any further delay. The result of the enquiry as to the death of the husband of the petitioner has to be intimated to this Court within a period

of two months from the date of receipt of copy of this order. The first respondent is directed to move this Court for extension of time, if necessary.

With these observations, the writ petition is disposed of. No costs.

6. Challenging the said order of the learned single Judge of this Court, this Writ Appeal has been preferred by the appellant/wife of the deceased.

7. During the course of arguments, the learned counsel for the appellant would strenuously argue that while the autopsy report clearly establishes

the factum of injuries on the body of the deceased, which were not explained by the police, who, admittedly, enquired him at Chennai just before

the mysterious death of the deceased, there is every justification in the claim of the appellant. According to the learned counsel for the appellant, it

is a clear case of police excesses at the instance of the complainant, who is a upper caste Hindu whereas the deceased is a man hailing from under-

privileged community. Justifying the claim of the appellant in seeking action against the police party and claiming compensation for the death of her

husband while in police custody, the learned counsel for the appellant would press into service the following judgments:

1. Bhagwan Singh and another Vs. State of Punjab,
2. Smt. Nilabati Behera alieas Lalita Behera Vs. State of Orissa and others,
3. State of M.P. Vs. Shyamsunder Trivedi and Others,
4. Union of India v. Luithukla, (1999) 9 SCC 273

5. Ajab Singh and Another Vs. State of Uttar Pradesh and Others,
6. Smt. Shakila Abdul Gafar Khan Vs. Vasant Raghunath Dhoble and Another,
7. Munshi Singh Gautam (D) and Others Vs. State of M.P.,
8. An unreported judgment of a Division Bench of this Court, headed by one of us (Justice Eliphe Dharma Rao) in Rajammal vs. State of Tamil Nadu, Writ Appeal No. 1018 of 2006, dated 5.2.2008.

8. In all the above judgments, the upper forums of law have deprecated the police excesses and in some cases, have recommended payment of compensation to the victims or their kin, whichever is applicable.

9. On the other hand, the learned Additional Advocate General appearing for the respondents would argue that there is no iota of evidence in the

case on hand to brand the death of the deceased as a one in police custody. Even the report of the RDO makes it clear that it is a case of suicide

and hence this Court should not entertain the claim of the appellant. In support of his arguments, the learned Additional Advocate General would

rely on a judgment of the Honourable Apex Court in Dalbir Singh Vs. State of U.P. and Others, wherein the Honourable Apex Court has held

that:

No compensation can be granted in the absence of any adjudication on the issue as to whether there was custodial death. In view of the fact that

sanction for prosecution had been granted, charge-sheet had been filed and cognizance had been taken, no further direction at present is

necessary. If at any point of time, evidence surfaces before the court concerned to show that some other offences appear to have been committed,

necessary orders can be passed.

10. We have paid our anxious consideration to the arguments advanced on either side and the materials placed on record.

11. The post-mortem report of the deceased is having a bearing in deciding the case. The useful part of the same is extracted hereunder for easy

reference:

The body was first seen by the undersigned at 2.00 pm on 6.8.95. Its condition then was decomposed. Post Mortem commenced at 2.00 pm on

6.8.95.

Appearances found at the Post Mortem of male body lying on its back with both

lower limbs flexed partially at knee and abducted, both upper

limbs abducted and flexed at elbow skin peeled off. Maggots crawling the entire body. Tongue is partly protruding in a opened mouth. eye lids and

eye balls are dried and black in colour. Teeth even. Faecal discharge in the anal opening. The natural orifices mere seen with maggots crawling.

Skin pealed off. Scalp hair easily peeled off.

External Injuries:

1. A contusion (black in colour) in the left intra mammary region of the chest 7.5 x 5 cm.

2. An abrasion at the bottom of the scrotum 10 x 4 cm transversely placed occupying on both sides.

3. A rope mark of 2.5 cm breadth seen in the upper part of the neck starting from the 2.5 cm medial to the left mastoid process, running in

wizards, crossing the midline and ending below the right mastoid process.

Opinion as to the cause of death:

Reserved pending report of chemical analysis of viscera.

The deceased would appear to have died of 72 to 84 hrs. prior to autopsy.

The opinion of the Doctor in the Post Mortem report is:

I am of the opinion that

1. There is no ante-mortem injury (or) fracture anywhere over the examined hyoid bone.

2. There is Post Mortem dislocation of both the greater horns at the junction with the body.

Final opinion:

I am of the opinion that the deceased person would have died of assault and later made to hand. Time of death 72 to 84 hrs. prior to autopsy.

12. As per the post mortem report, there is abrasion at the bottom of the scrotum and a contusion in the left intra mammary region of the chest. A

perusal of the Post Mortem report would make it undoubtedly clear that the deceased was assaulted and after his death, he was made to hang.

Post Mortem was conducted on 6.8.95 at 2.00 pm. and as per the opinion of the doctor, the deceased died 72 to 84 hrs. prior to autopsy i.e. 3 to

4 days prior to autopsy. Therefore, the deceased would have died between 2.8.95 and 3.8.95.

13. As extracted supra, it is the case of the respondents themselves that the police party along with the complainant party went to Madras only to find out and enquire the deceased Pandian and his brother-in-law Chellamuthu. That being so, having found Pandian and having made enquiries with him, only to find that Chellamuthu has left for his native place, the police party would not have left the deceased Pandian at Madras with an instruction to him to wait at Kilumathur village so that the police party and the complainant party can meet him there again to know the whereabouts of Chellamuthu. One more thing to be pointed out at this juncture is that the police party and the complainant group are travelling in a police vehicle, and according to them they started from Chennai in the evening of 2.8.1995. But, the deceased Pandian is alleged to have told the Police that he was going to his native village along with his brother-in-law Chellamuthu on 2.8.95 at 20.00 hrs. If it is the case that the deceased Pandian started from Chennai much after the police party, that too in a Transport Corporation Bus, it is highly doubtful as to how can he reach Kilumathur village well prior to the police party, who are travelling in a jeep, and wait there at 23.00 hrs. Therefore, we are of the considered opinion that undoubtedly, the police party had physically lifted the deceased Pandian along with them and only to distance themselves from the murder of the deceased Pandian, the respondents have cooked up a story that the police party did not find him after 2.8.95, but suddenly he appeared as a dead body, hanging to a tree on 4.8.1995. Even otherwise, when it is the case of the respondents themselves that they made enquiries with the deceased on the night of 2.8.95 and when admittedly he was not found in the company of anybody thereafter, applying even the "last seen theory" it is none else the police party who are answerable to the death of the deceased Pandian.

14. At this juncture, it is also relevant to extract the horrific events narrated by the appellant in her affidavit filed in the writ petition:

4. I submit that my husband Pandian was originally working as a Pannayal or "attached laborer" a form of traditional bonded labour with the family

of Seeman and Subramani Udayar, a wealthy, land owning family in the local area. However, from about 10-12 years back my husband stopped

working as a pannayal laborer with the above mentioned family. Because a number of other members of the Adi Dravida caste were working in

Kothwalchavady market in Madras, my husband also gradually started working in Madras. He used to work as head loader or porter in the

Kothvalchavady market for several months and visit home during festival occasions or other times. During such occasions, I used to stay back in

our village itself and seek daily coolie work in the village. Thus on the morning of 30.7.1995 at about 7 am, my husband Pandian left for Madras

by bus to work as head loader in Kothavalchavady.

5. I reliably came to know from my relative Veeramuthu s/o. Karuppiyah, who was working along with my husband Pandian in Kothavalchavady

market in Madras and with whom Pandian was staying, that on 1.8.1995 at about 2.30 pm about 6 persons came to Govinda Pillai Inji and

Vengaya Mandi, Malaya Perumal Street, Kothavalchavady. At that time Pandian was sleeping inside. Seeman and Subramani Udyar enquired

about Pandian with Veeramuthu. They then went inside, woke him up and came out. I came to know from Veeramuthu that in his presence they

told Pandian that they were searching for their daughter who had eloped and that they had heard that Pandian knew something in this regard, and

asked him to come out to the vehicle parked nearby where the Padalur Inspector Mr. Gandhi was waiting. Seeman and Subramani Udayar also

got in. Three other persons were also reportedly sitting in the vehicle whose identity I later came to know as being that of Police constables

Anbaresu of Padalur, Chinnathurai of Kunnam and Police Driver Ravi of Padalur Police Station. At that time Pandian had taken away with him the

key chain of the Inji mandi in Madras. In fact, this key chain was in the custody of the Police and Mr. Veeramani, Sub Inspector; Kunnam Police

Station gave a written assurance to the local people that the keys would be returned from Padalur Police Inspector when they asked the Police for

the same after the body of my husband was discovered.

6. I submit that on 4.8.1995, at about 4 pm, I was informed that the body of my husband Pandian was found hanging from a neem tree on the

outskirts of the village. I rushed to the site and found my husband hanging with a lungi tied around his neck from an upper branch. The tree had no

branches up to about 10 feet high. Intriguingly both my husband's hands were tied to branches with nylon thread and the right leg was resting on

one branch while the left leg was dangling. The body had no shirt, both eyes and

tongue were protruding and there were bruises visible on the body above the thighs. There were many visible injury marks on the back and stomach and some of the injuries seemed to have been caused by sharp instrument like a knife. Curiously the right part of the mustache on my husband had been pulled out and the lips were swollen.

15. This is the stand of the appellant from day number one of the death of her husband and therefore, it cannot be said that there is any

"improvement" on account of tutoring or something of that sort in the case of the appellant. Can any prudent man believe that a person with his

hands tied with nylon thread that too one of the legs resting on a tree branch can hang himself? Had the death occurred on 4.8.1995 (since body

was found hanging on 4.8.1995 by the VAO and a complaint was lodged at 10 pm that day), how can it get decomposed by the time autopsy was

conducted on 6.8.1995 at 2.00 pm with nuggets crawling the entire body? In fact, requisition for post mortem was received by the doctor on

5.8.1995 at 11.50 am itself. As per the post-mortem report, the death should have occurred between 2.8.1995 and 3.8.1995. The contention of

the appellant that her husband's hands were tied with nylon rope corroborates with the injuries to the limbs of the deceased noted by the doctor.

As already noted, as per the post-mortem report, there is abrasion at the bottom of the scrotum and a contusion in the left intra mammary region of

the chest. All this would make it undoubtedly clear that the deceased was assaulted and after his death, he was made to hang.

16. Viewing from the other angle also, if it is the case of suicide, nowhere it has been stated by the respondents as to what is the reason for the

suicide. Therefore, it also strengthens our view that a case of homicide was given a colour of suicide by the authorities at the helm of affairs for the

reasons best known to them and presumably to save the culprits. But, it is to be noted that the hands of law are so long and no culprit could be

allowed to escape its clutches.

17. For all the above discussions, we are of the considered opinion that the deceased Pandian was physically lifted by the police party headed by

the third respondent Kasthuri Gandhi from Chennai. Thereafter, the deceased was found hanging from a neem tree in the village. It seems, the

earlier investigation has proceed on the basis that there is no eye-witness to the

death of the deceased. One has to remember the fact that the hands of the police party like the respondents 3 to 6 are now proved to be dirty and murky with the mud, traceable to the cause of death of the deceased Pandian. When applying the well established doctrine of "last seen theory in the company of" the police party, it could very well be held that the police party and the above said complainant group viz. Seeman and Subramani Udayar and their henchmen could very well be made liable and answerable to the death of the deceased whose death cannot at all be branded as a suicidal one, in view of the specific findings in the post mortem report. Therefore, in view of the above discussion, we are unable to accept the report of the Inspector General of Police, Crimes, in Letter No. 13897/L& O-(A)/96-7, dated 9.10.1998 which was accepted by the Government dropping further action into the cause of death of Pandian.

18. With regard to the judgment relied on by the learned Additional Advocate General, since sanction was granted to prosecute the police officials in a criminal case registered against them, the Court, at that moment, did not accept the prayer for compensation because that would depend upon the issue as to whether there was custodial death.

19. But, in the case on hand, in spite of best and more reliable materials available on record to suspect the role of the police party in the death of the deceased, no action has been initiated against them by the respondents 1 and 2. Even though the theory of hanging narrated by the police party cannot be believed for the reasons discussed supra, the RDO, who conducted an enquiry, has given his report justifying the stand of the police that it is a suicide, which we are not in a position to appreciate. Therefore, we are in complete agreement with the contention of the appellant that the police party was supported by the RDO by way of his eye-wash enquiry report. From the events that took place from the time the deceased was hand picked by the police party, till his dead body was found, there are many questions which remained unanswered by the police party and even the RDO report, as discussed supra. Therefore, the judgment relied on by the learned Additional Advocate General would not come to the rescue of the respondents.

20. Though, for not complying with the defects pointed out by the Registry, the appeal stood dismissed against respondents 4 to 6, pursuant to the

order dated 19.9.2011, since the materials on record suggest the possibility of involvement of these respondents 4 to 6 in the death of the

deceased Pandian, the order of dismissal of the writ appeal against these respondents 4 to 6 on technical grounds, stands set aside and the

judgment now being passed by us shall be deemed to have been passed against these respondents 4 to 6 also.

21. During the course of hearing of this appeal, we required the present working details of the respondents 3 to 6. Pursuant thereto, a

communication emanated from the Superintendent of Police, Perambalur District, Perambalur to the Special Government Pleader in C. No.

F3/7763/2007, dated 17.7.2010, was placed before us. As per the said information, the third respondent Mr. G. Kasthuri Gandhi (the then

Inspector of Police, Padalur PS, Perambalur District, formerly Trichy District) was working as Assistant Commissioner of Police, PEW, Trichy

city as on the date of that communication, while the fifth respondent Mr. Chinnadurai, Grade 1 PC 331/PLR (PC 1311/TRI) formerly Kunnam

PS, Perambalur District was compulsorily retired from service w.e.f. 16.9.2002 and his residential address is ""S/o. Perumal, Vallam (Post),

Ponparpi (via), Udayarpalayam, Ariyalur District"". The details furnished with regard to the 6th respondent are as follows: ""TR. Ravi @

Ravichandran, Police driver, Padalur PS, Perambalur District (formerly in Trichy District) now working as Reserve Sub Inspector of Police,

Security Branch CID, No. 17, Boat Club Road, Marutham Complex, Adayar, Chennai"". The details of the fourth respondent are reported to be

not available readily.

22. From the above details, it is clear that except the 5th respondent, rest of the respondents 3, 4 and 6 are still in service.

23. God made his creations without any disparity. But, man, an intelligent creation of Almighty, has drawn various lines of separation between the

very mankind, by caste, creed, religion, sect, belief and even by political interests, etc. etc. Not stopped with that, communal hatred - a menace to

the society - has been injected into the young minds, nurtured and developed by greedy persons with self-interest and in spite of best advices

tendered and sacrifices made by great men of this country and various reformative measures initiated to wipe out the menace from our society,

there seem to be no improvement in the condition as the communal hatred in one form or other and in one manner or other is reaching its new

heights every day. It is high time to break these lines of separation lest we will not be forgiven by our future generations.

24. Let Truth and Truth alone triumph.

25. Since the police party is involved in the death of the deceased Pandian and since the earlier investigation has proceeded on a wrong

presumption ignoring the ground realities and the evidence available on record, we deem it a fit case to transfer the investigation of the case to the

Central Bureau of Investigation, even though it is long since the death of the deceased Pandian, as other materials could very well be collected by

the investigating team since an extraordinary situation like the one in hand (where an innocent Adi-Dravida man was done to death by the police

party joining hands with complainant group belonging to upper caste) always demands an extraordinary relief.

26. Accordingly, Joint Director and Head of Zone, Central Bureau of Investigation, III Floor, E.V.K. Sampath Building, College Road, Chennai

600006 is directed to nominate a team of officers with proven integrity, honesty and sincerity to the duty to take up the investigation in this case.

The team shall be headed by an officer not below the rank of a Superintendent of Police. Since it is our finding that the police party headed by the

third respondent and accompanied by the respondents 4 to 6 are answerable to the murder of the deceased, we direct the second respondent,

Government of Tamil Nadu, to pay a sum of Rs. 5,00,000/= (Rupees Five Lakhs Only) to the appellant as compensation within a period of six

weeks from the date of receipt of a copy of this judgment. After paying the said sum, the first respondent/Government of Tamil Nadu is directed to

recover a sum of Rs. 2 lakhs from the pay of the third respondent and Rs. 1 lakh each from the pay of the respondents 4 and 6 to make good the

loss caused to the exchequer. With regard to the 5th respondent, who is no more in service right now, the second respondent/Government of

Tamil Nadu is at liberty to recover a sum of Rs. 1 lakh from him in the manner known to law.

In the result,

(i) This Writ Appeal stands allowed and the order of the learned single Judge is

set aside.

(ii) The report of the RDO; the report and findings of the Inspector General of Police, Crimes in their letter No. 13897/L& O-(A)/96-7, dated

9.10.1998, which was accepted by the Government, dropping further action into the death of Pandian, by holding that it was a "suicide by

hanging" are all quashed.

(iii) Entire case relating to CR. No. 171/1995 of Kunnam P.S. (in the erstwhile composite district of Trichy) stands transferred to the Central

Bureau of Investigation for fresh investigation into the matter and to bring to fore the real culprits. For this purpose, the Joint Director and Head of

Zone, Central Bureau of Investigation, III Floor, E.V.K. Sampath Building, College Road, Chennai-600006 is directed to nominate a team of

officers with proven integrity, honesty and sincerity to the duty to take up the investigation in this case. The team shall be headed by an officer not

below the rank of a Superintendent of Police. They shall complete their investigation and file a final report/charge sheet against all the culprits,

before the court concerned within a period of twelve weeks from the date of receipt of a copy of this judgment. The Director General of Police,

Chennai and the second respondent are directed to give proper instructions to all the concerned for the smooth transmission of the case records

from Kunnam Police Station to the CBI.

(iv) The second respondent/Government of Tamil Nadu is directed to pay a sum of Rs. 5,00,000/= (Rupees Five Lakhs Only) as compensation to

the appellant within a period of six weeks from the date of receipt of a copy of this judgment. After paying the said sum, the second

respondent/Government of Tamil Nadu is directed to recover a sum of Rs. 2 lakhs from the pay of the third respondent and Rs. 1 lakh each from

the pay of the respondents 4 and 6 to make good the loss caused to the exchequer. With regard to the 5th respondent, who is no more in service

right now, the second respondent/Government of Tamil Nadu is at liberty to recover a sum of Rs. 1 lakh from him in the manner known to law.

Consequently, WAMP. No. 3982 of 2003 is closed. No costs.