
(2002) 02 MAD CK 0121

In the Madras High Court

Case No : Writ Petition No. 19747 of 1994 and W.M.P. No. 30105 of 1994

G. Kabali

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 26-02-2002

Acts Referred:

Citation : (2002) 02 MAD CK 0121

Hon'ble Judges : A.K. Rajan, J

Bench : Single Bench

Advocate : J. Ayyathurai, for the Appellant; M. Liyagat Ali, G.A, for the Respondent

Final Decision : Dismissed

Judgement

A.K. Rajan, J.—The above writ petition is filed for issue of writ of mandamus directing the respondents to pay the petitioner a sum of Rs.5,00,000/- towards compensation for the death of the petitioner's son due to torture by the servants of the respondents 1 to 3 i.e. The Policemen concerned in E-1 Crime Branch Police Station, Mylapore, Madras 4.

2. The petitioner's son Satheeshkumar aged 13 was working in some concern. At about 6.30 P.M. on 8.6.1994, he left the home for work stating that he would return the next day morning. But he did not return home. On 9.6.1994 at about 9 am, one Raghu a Vegetable Vendor came to the petitioner's home and informed the petitioner that he saw his son in Mylapore Police Station. Immediately, the petitioner rushed to the Mylapore Police Station and saw his son there. On enquiry, he was told that his son was kept in the Police Station in connection with a case of theft and therefore, he was being interrogated. In the after noon at about 1 PM his son was brought to the petitioner's house with his hands tied by the constable and search was made in his house. Nothing was found. Thereafter, his son was taken to the Police Station on 10.6.1994 by the Head Constable. In the morning of 11.6.1994 at about 5.45 a.m. One Vasanthi, a neighbour, informed him that his son was lying in an Autorickshaw and when

they rushed and saw the petitioner's son he was found motionless in the autorickshaw and he was rushed to the Royapettah General Hospital, where he was found dead. Thereafter, this writ petition praying for compensation of Rs.5/- lakhs for the loss of his son has been filed.

3. The Government Advocate states that this Court in Cr.R.C.416 of 1996 by order dated 10.9.1998 directed the Government to pay Rs. Two lakhs as compensation to the petitioner. The order reads as follows:

"27... Therefore, it would be appropriate to direct the State Government to pay Rs.2,00,000/- in addition to Rs.50,000 already paid by way of compensation to P.Ws 1 and 2.."

Subsequently, the sum of Rs.2/lakhs was also paid to the petitioner . Hence the prayer in the writ petition has already been granted in the Criminal Revision and the amount also has already been paid . As such nothing survives in the writ petition.

A.K. Rajan, J.

4. In the result, the writ petition is dismissed. Consequently, the connected W.M.P is also dismissed. No costs.