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Nammalvar vs Raja

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SooperKanoon Citation : sooperkanoon.com/1485307

Court : Chennai

Decided On : Mar-26-2026

Judge : Honourable Mr Justice S. M. Subramaniam,Honourable Mr.Justice K. Surender

Appeal No. : WA/3245/2023

Appellant : Nammalvar

Respondent : RAJA

Judgement :

2026:MHC:1290

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM AND THE HON'BLE MR.JUSTICE K.SURENDER W.A.No.3245 of 2023, C.M.P.No.26490 of 2023 & W.P.No.24290 of 2016 and W.M.P.Nos.20777 to 20779 of 2016

1. Nammalvar

2. Vijayakumar

3. Murugan Appellants -vs-

1. Raja

2. The Secretary Home Department,

3. The Secretary Health and Family Welfare Department,

4. The Superintendent of Police Thiruvannamalai District.

5. The District Collector

The Collectorate, Thiruvannamalai District. Respondents Prayer: To set aside the order in W.P.No.24290 of 2016 dated 30.10.2023 on the file of this Honourable Court. For Appellants: Mr.V.Raghavachari Senior Counsel for Mrs.V.Srimathi For Respondent(s): Mr.V.Prakash, Senior Counsel for R1 For M/s.Dass and Viswa Asso. Mr.M.Babu Muthu Meeran, AGP for R4 Dr.S.Suriya, AGP for R2, 3 and 5 Page1 of 8

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam,J.) Under assail is the order dated 30.10.2023 passed in W.P.No.24290 of 2016. Respondents 5 to 7 in the writ proceedings are the appellants before this Court.

2. The first respondent herein, namely, A.Raja filed Writ Petition,

stating that he is an Auto Driver and belongs to Scheduled Class community. On 11.07.2016 at about 12.30pm, when the 1st respondent along with his son went to Chengam Market Street, there was a wordy quarrel between 1st respondent and his wife. Appellants herein, who were in Police Uniform intervened and questioned the 1st respondent, his wife and his son. Thereafter, appellants started brutally attacking the 1st respondent, his wife and his son and abused them in filthy language.

The incident has been

narrated by the 1st respondent in the writ petition. Considering all those facts

as well as the report of the Revenue Divisional Officer and on perusal of the videograph produced by the 1st respondent, learned Single Judge passed the following order: (i) The third respondent is directed to initiate departmental proceedings as against respondents 5 to 7 herein forthwith.

(ii) The first respondent is directed to pay compensation of

Rs.50,000/~ (Rupees Fifty Thousand only) to each of the victims i.e. the petitioner, his wife and his son forthwith and the said compensation amount to be recovered from respondents 5 to 7 herein in accordance with law.

(iii) The third respondent is directed to register FIR against respondents 5 to 7 herein forthwith and to complete the Page2 of 8 investigation within a period of twelve weeks from the date of registration of FIR.

(iv) The Disciplinary Authority is directed to keep respondents 5 to 7 herein under suspension till the completion of disciplinary proceedings.

3. Mr.V.Raghavachari, learned Senior Counsel appearing on behalf of

the appellants would mainly contend that no notice was served on the appellants 1 and 2 and therefore, the appellants 1 and 2 were not in a position to defend their case effectively before Writ Court. Thus, directions issued in the impugned order would affect their service prospects and cause prejudice to their interests.

4. Mr.V.Prakash, learned Senior Counsel appearing for the 1st

respondent would oppose, by stating that facts in entirety were considered by the Writ Court, including video footage brought by the 1st respondent before the Court. Revenue Divisional Officer conducted enquiry and found that the incident

occurred in a public place and excessive use of force by Police

against the 1st respondent and his son are established. Considering the facts

established, the Writ Court had granted the relief and therefore, the present writ petition needs to be rejected.

5. This Court has considered rival submissions made between the parties. Page3 of 8

6. Insofar as 1st direction issued by the Writ Court, regarding

> initiation of departmental proceedings against the appellants is concerned, even before issuing direction by the Writ Court in the impugned order, departmental proceedings were initiated and punishment was imposed on the appellants. Therefore, it is unnecessary for this Court to interfere with the departmental proceedings already concluded in all respects and punishment imposed on the appellants.

7. As far as 3rd direction of the Writ Court, regarding registration

of FIR against the appellants is concerned, it is brought to the notice of this Court that FIR has not been registered. Hence, it is open to the competent authorities to evaluate documents with reference to the facts established and they can take a call on registration of FIR accordingly.

8. With regard to 4th direction to keep appellants herein under

suspension till completion of disciplinary proceedings, since disciplinary proceedings were already concluded, such direction deserves no further interference from the hands of this Court.

9. Insofar as the 2nd direction issued regarding payment of

compensation of Rs.50,000/- to each of the victims, namely, 1st respondent, his wife and his son is concerned, learned Additional Public Prosecutor appearing for R4 would submit that Director General of Police addressed a Page4 of 8 letter dated 10.12.2025 to the Additional Chief Secretary to Government, Home, Prohibition and Excise Department, Chennai to issue necessary orders for payment of compensation to victims, as directed by Writ Court in the impugned order.

10. This Court is of the view that the relief sought for in respect of

payment of compensation is alive and therefore, the appellants are necessarily to be heard by Writ Court for deciding the issue. On verification of case file, it is seen that notice has not been served on the appellants 1 & 2.

11. At this juncture, learned Senior Counsel for R1 would submit

that appellants are evading service of notice. If so, Courts may serve notice in the manner contemplated under Law. However, appellants, who are respondents 5 to 7 in the writ proceedings, have jointly filed the present Writ Appeal and are aware of the proceedings.

12. In view of the fact that notice has not been served on the appellants 1 and 2 in the writ petition, this Court is inclined to remand the matter to the Writ Court only to decide the issue in respect of payment of

compensation, as directed by the Writ Court in Paragraph No.5 (ii) of the order

dated 30.10.2023 impugned herein.

13. It is made clear that no further notice needs to be issued to the appellants / respondents 5 to 7 in the writ petition. Registry is directed to Page5 of 8

print the name of counsel on record at the time of listing of writ petition, who filed the present writ appeal for the appellants. Writ Court is requested to dispose of the matter on merits and in accordance with law

in respect of the aforesaid issue alone, viz., payment of compensation, as directed in Paragraph No.5 (ii) of the order dated 30.10.2023.

14. Accordingly, the Writ Appeal is allowed and the order dated 30.10.2023 is hereby set aside to the extent indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

15. In view of the order passed in the Writ Appeal, setting aside

the order dated 30.10.2023 and remanding the matter to the Writ Court, W.P.No.24290 of 2016 is restored on file. Registry is directed to list the Writ Petition before the concerned Court holding roster. (S.M.S.,J.) (K.S.,J.) 26-03-2026 Index: Yes/No

Speaking/Non-Speaking order

Neutral Citation: Yes/No AR Page6 of 8 To:

1. The Secretary, Home Department,

2. The Secretary Health and Family Welfare Department,

3. The Superintendent of Police Thiruvannamalai District.

4. The District Collector The Collectorate, Thiruvannamalai District.

5. The Joint Registrar, Judicial Section, High Court, Madras.

6. The Section Officer, Writ Section, High Court, Madras. Page7 of 8

S.M.SUBRAMANIAM,J.

AND

K.SURENDER,J.

AR 26-03-2026 Page8 of 8

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