



W.P(MD)No.8029 of 2026

WEB CO BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.P(MD)No.8029 of 2026

C.Selvakumar,
S/o.P.Chinnaiah,
President,
Madurai District Devendrakula Velalar Uravinar Sangam,
6A, North Street, Managiri,
Madurai – 625 020. ... Petitioner

VS.

1.The Chief Election Commissioner,
Office of the Chief Electoral Officer,
Old St. Stephen's College Building,
Kashmir Gate,
Delhi – 110 006.

2.The State Election Commissioner, Tamil Nadu
Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Road,
Arumbakkam, Chennai - 600 106.

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3.National Commission For Scheduled Castes,
Government of India,
5th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi – 110 003.

4.National Human Rights Commission (NHRC),
Manav Adhikar Bhawan,
Block-C, GPO Complex,
INA, New Delhi – 110 023.

5.Tamil Nadu State Adi Dravidar Welfare Commission,
Ezhilagam Annex Building,
Chepauk,
Chennai – 600 005.

6.Tamil Nadu State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Road,
(Greenways Road), Raja Annamalaipuram,
Chennai – 600 028.

7.The Director General of Police, Tamil Nadu,
No.1, Dr. Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

8.The District Collector and Chairman,
District, Vigilance and Monitoring Committee (SC/ST),
Sivagangai District, Collectorate,
Sivagangai – 630 561.

9.The Superintendent of Police, CB-CID,
No.220, Old Commissioner Office Campus,
Pantheon Road, Komaleeswaranpet,
Egmore, Chennai – 600 008.

... Respondents

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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 9th respondent to secure and arrest the accused police personnel forthwith under the SC/ST Act and hand over the body of the deceased namely Aakash to the family for performing last rites with dignity and adequate protection and further direct the 1st and 2nd respondents to ensure transfer of police personnel in Sivagangai District and deploy officers from other Districts to ensure impartiality and free and fair elections based on petitioner's representation dated 22.03.2026.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.Niranjana Rajagopal (R1)

: Mr.K.Govindarajan (R3 & R4)
Deputy Solicitor General of India

: Mr.M.Ajmal Khan (R5 & R8)
Additional Advocate General
Assisted by
Mr.A.Kannan
Additional Government Pleader

: Mr.R.M.Anbunithi (R7 & R9)
Additional Public Prosecutor



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ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner has filed the present writ petition seeking a direction to the 9th respondent to secure and arrest the accused police personnel forthwith under the provisions of the SC/ST (Prevention of Atrocities) Act, 1989, and to hand over the body of the deceased, namely Aakash, to his family for performing the last rites with dignity and adequate protection. The petitioner also seeks a direction to respondents 1 and 2 to effect transfer of police personnel in Sivagangai District and to deploy officers from other districts to ensure impartiality and the conduct of free and fair elections, based on the petitioner's representation dated 22.03.2026.

2.Mr. Niranjana Rajagopal, learned counsel, accepts notice for the first respondent; Mr.K.Govindarajan, learned Deputy Solicitor General of India, accepts notice for respondents 3 and 4; Mr.M.Ajmal Khan, learned Additional Advocate General, accepts notice for respondents 5 and 8; and Mr. R. M. Anbunithi, learned Additional Public Prosecutor, accepts notice for respondents 5 and 8.

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3.The present writ petition, styled as a ‘Public Interest Litigation’, has been filed in respect of the death of a 26-year-old Scheduled Caste youth, namely Aakash, from Krishnarayapuram Village, Sivagangai District, who allegedly died due to custodial torture while in judicial custody. Pursuant to the directions of this Court, a case has been registered and transferred to the CB-CID, Tamil Nadu, and offences under the SC/ST (Prevention of Atrocities) Act, 1989 have also been invoked.

4.It is the grievance of the petitioner that, despite the seriousness of the allegations, no arrest has been made and the investigation is proceeding in a sluggish manner, thereby causing prejudice to the victim’s family. It is further stated that the family has been unable to perform the last rites, allegedly infringing their rights under Article 21 of the Constitution of India, and that the situation has led to tension in the locality, warranting intervention of this Court.

5.Heard the learned counsel appearing on either side and perused the

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WEB COPY materials available on record.

6.The present Public Interest Litigation has been filed seeking, inter alia, transfer of all police officers on the allegation of caste bias and for a direction to arrest the accused police personnel under the SC/ST Act. The petitioner, claiming to be a social activist, has filed this writ petition in respect of the alleged custodial death of one Aakash.

7.It is brought to our notice by the learned Additional Advocate General that one A.Rajeshkannan had earlier filed a writ petition in W.P.(Crl.)(MD) No.1392 of 2026 before the learned Single Judge, who has been seized of the matter from as early as 09.03.2026. Various directions have been issued, and the investigation is being monitored by the learned Single Judge. The final order is yet to be pronounced. It is further submitted that necessary provisions of law, including those under the SC/ST Act, have been incorporated in the FIR, and the learned Judicial Magistrate has also conducted an inquest under Section 196 of the BNS.

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8. In the above circumstances, the investigation is presently being monitored by the Deputy Superintendent of Police appointed for this purpose. At this stage, the present Public Interest Litigation has been filed seeking various reliefs, including transfer of police personnel and arrest of the accused.

9. The manner in which the present petition has been filed clearly indicates that it has been instituted for extraneous reasons. The representation is stated to have been sent only by email on 22.03.2026 at 11:27 p.m., and the writ petition has been filed on the very next day. We are also constrained to note that, despite the investigation proceeding in the right direction under the supervision of the learned Single Judge, the body of the deceased has not been taken for burial and protests are continuing. We express our anguish that the dead body is being used as a means of protest for days together. Providing a decent burial is also part of the fundamental right under Article 21 of the Constitution of India.

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10. In such circumstances, it is not the State or its officials who are preventing the conduct of the last rites. It is for the family members and other concerned persons to proceed with the same. We are therefore of the view that the present writ petition is nothing but a publicity interest litigation and is devoid of merits.

11. Insofar as the transfer of officials is concerned, it is within the domain of the Election Commission to take appropriate decisions in accordance with law.

12. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

[N.S.K.,J.] [M.J.R.,J.]
25.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
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and
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ORDER MADE IN
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