



W.P.(MD)No.10526 of 2021

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WEB CO **S.S.SUNDAR, J.**
and
N.SENTHILKUMAR, J.

(Order of the Court was made by S.S.SUNDAR, J.)

In the course of the hearing, we found that the final report of CBI is not accepted by the Court for proper reasons with specific pointers for further investigation. The compliance report submitted by the CBI indicate serious lapses, and total non application of mind, apart from being ignorant of admitted facts, important events and findings in the report of Hon'ble Mrs.Justice Aruna Jagadeesan.

2.From the objections raised against the final report and further report of CBI after further investigation and the conclusions and findings of CBI, this Court is surprised to see that a resourceful, talented and the prime Investigating Agency of this country is not independent.

3.Death of 13 persons in the Police firing and related incidents is taken very casually in order to serve the interest of a few people. The protesters were unarmed and firing was on fleeing protesters. Most of the



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victims had injuries showing bullet entry wound on the back. No Police man sustained fatal injury except one. After invoking Section 144 of Cr.P.C in contemplation of serious law and order issue, the District Collector was busy in a Jamabandhi Programme in a nearby Village.

4. Some of the facts and circumstances we noticed are as follows :

(i) The fatal shots have been fired from a distance targeting fleeing protesters.

(ii) Ignoring the protesters during their hundred days peaceful dharna, failure to invite the protesters and stakeholders for peace talks, no proper promulgation of prohibitory order under Section 144 Cr.P.C and suddenly opening fire on the fateful day as if protesters of Sterlite are enemies of State.

(iii) The protesters are unarmed and the victims of firing are innocent public who never indulged in violence.

(iv) Prohibition order under Section 144 Cr.P.C. was at the instigation of Sterlite Copper.



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WEB COPY (v)The protest is to preserve the fundamental rights of citizens under Article 21 of Constitution.

5.The recommendation of Justice Mrs.Aruna Jagadeesan Commission and the submission of Mr.Henri Tiphagne, party-in-person and several other materials points towards the lack of credibility and application of mind by the officials of CBI ignoring several incidents and factual events connected to the protests and the following incidents. The report does not reflect truth or independence. The failure of their mission is attributable to influence or something more serious.

6.It is interesting to note that one of the victims of firing was shot at Therespuram which is a place not less than 7 kms away from the Collector's Office. The time line of incidents before firing and the following arrest of several persons would show Police excess targeting the protesters and public even after firing.

7.From the materials and the informations available, we deduce that some of the Police Officials have played active role in curbing the



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WEB COPY protest even though the industry was allowed to run without consent beyond 31.12.2009 and the pollution caused by the industry is admitted and established before Hon'ble Supreme Court in Civil Appeal Nos.2776 – 2783 of 2013 warranting imposing a fine of Rs.100 Crores and later after the incident by Division Bench of this Court. Atleast a few Police and Revenue Officials appears to be frustrated by agitation and protests because of their allegiance to the industry. Hence, an enquiry by Vigilance and Anti Corruption Department of the State is required against the Police Officials and the Government Officials who are arrayed as parties herein and were working in Tuticorin at the relevant point of time.

8.The details of assets acquired not only in the name of the individuals but also in the name of their spouses and children shall be collected and produced before this Court. The check period shall commence just two years prior to the incident or from the date of assuming their position in and around Tuticorin whichever is later, and ending with the completion of second year, of firing incident i.e 21.05.2020.



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9.Learned Additional Public Prosecutor submitted that the collection of materials and particulars about the Assets of the Officers may take some time and it is not possible for the whole data to be collected and produced within two weeks.

10.We are aware of the practical difficulties. However, the Vigilance and Anti Corruption Department is capable of doing and hence, we expect a preliminary report showing substantial progress within two weeks. Depending upon the outcome of the preliminary investigation, this Court will grant sufficient time. The State Government and Government Departments shall render their assistance wherever necessary and it is open to the Vigilance Department to seek clarification if they need.

11.Mr.Sankarasubbu, learned counsel appearing for the petitioners in W.P.No.12966 of 2018 submitted that he is appearing for six petitioners who are the legal heirs of the deceased in Police firing.



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12.Registry is directed to list the aforesaid writ petition along with

WEB COPY this case. Only if the relief is connected, the writ petition will be heard

along with this petition.

13.Post the matter on 29.07.2024 at 2.15 p.m.

(S.S.S.R.,J) (N.S.,J.)
15.07.2024

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