

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 9929 of 2012

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both the parties, the main writ petition being heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of a writ of mandamus, declaring the inaction on the part of the second respondent in passing any orders on the representation dated 11.07.2011 submitted for grant of compensation on account of the death of the son of petitioner in a motor vehicle accident on 05.09.2009 in terms of the scheme for the payment of compensation to the victims of hit and run motor accident, as illegal and arbitrary; and consequently direct the respondents to pay compensation in terms of the said scheme.

The averments in the affidavit filed in support of the writ petition would show that the son of the petitioner by name Tavitireddy Narender Reddy was pursuing his B.Tech course. On 05.09.2009 his son was hit by an unknown bus driven by its driver in a rash and negligent manner, as a result of which his son died on the spot. In respect of the said accident a case in Crime No.85 of 2009 of Uppal Police Station was registered for an offence punishable under Section 304-A IPC and later the police closed the said case on the ground that the vehicle which was involved in the accident was not traced. It is the case of the writ petitioner that the Central Government has formed a scheme for payment of compensation to the victims of hit and run motor accidents in exercise of the powers conferred under Section 163 (1) of the Motor Vehicles Act. In terms of the said scheme, the petitioner is made an application before the second respondent on 11.07.2011 by enclosing all the relevant documents with a request to pay the compensation but till date no orders are passed. Hence the present writ petition.

Learned Government Pleader for Revenue opposes the petition. Though no counter is filed, the Government Pleader submits that the remedy

lies elsewhere if the petitioner is really entitled and not by way of writ petition when the issue involves disputed questions of fact.

Without going into the merits of the case and having regard to the circumstances stated above, the writ petition is disposed of, advising the second respondent to pass orders in accordance with law on the representation dated 11.07.2011, if the same is still pending consideration, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

02.09.2015

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