



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P(MD)No.8777 of 2014 and MP(MD)No.1 of 2014

and

WMP(MD)No.5114 of 2016

R. SHANMUGAM

S/O. RAMASAMY NO.4/613 EAST STREET

OZHUGASERI VILLAGE ANAIKARAI POST

THIRUVIDAIMARUTHUR TALUK THANJAVUR DISTRICT. .. Petitioner

Vs.

- 1 THE UNION OF INDIA REP BY THE
SECRETARY DEPARTMENT OF INDUSTRY AND
COMMERCE NEW DELHI.
- 2 THE UNION OF INDIA
REP BY ITS SECRETARY DEPARTMENT OF CHILD
WELFARE NEW DELHI.
- 3 THE CHAIR PERSON
NATIONAL COMMISSION FOR PROTECTION OF CHILD
RIGHTS 5TH FLOOR CHANDEROK BUILDING 3
6 JANPATH NEW DELHI.
- 4 THE STATE OF TAMIL NADU
REP BY ITS CHIEF SECRETARY SECRETARIAT
ST.GEORGE FORT CHENNAI.
- 5 THE STATE OF TAMIL NADU
REP BY ITS SECRETARY DEPARTMENT OF SOCIAL
WELFARE AND LABOUR EMPLOYMENT SECRETARIAT
ST. GEORGE FORT CHENNAI.
- 6 THE STATE OF COMMISSION FOR
PROTECTION OF CHILD RIGHTS SOCIAL WELFARE
DEPARTMENT SECRETARAIT ST. GEORGE FORT
CHENNAI.



7 THE CHIEF CONTROLLER OF
EXPLOSIVES PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION
A-BLOCK 5TH FLOOR CGO COMPLEX
SEMINARY HILLS NAGPOOR-440 006
MAHARASTRA STATE.

8 THE DISTRICT COLLECTOR
THANJAVUR DISTRICT THANJAVUR.

9 THE DISTRICT REVENUE OFFICER
THANAJVUR DISTRICT THANJAVUR.

10 THE INSPECTOR OF POLICE
PANTHANALLUR POLICE STATION PANTHANALLUR
THANJAVUR DISTRICT.

11 RAJANGAM
S/O.NOT KNOWN WEST STREET OZHUGASERI
VILLAGE ANAIKARAI POST THIRUVIDAIMARUTHUR
TALUK THANJAVUR DISTRICT.

12 DHANALAKSHMI
W/O. RAJANGAM WEST STREET OZHUGASERI
VILLAGE ANAIKARAI POST THIRUVIDAIMARUTHUR
TALUK THANJAVUR DISTRICT.

13 KRISHNAMOORTHY
S/O. RAJANGAM WEST STREET OZHUGASERI
VILLAGE ANAIKARAI POST THIRUVIDAIMARUTHUR
TALUK THANJAVUR DISTRICT. .. Respondents

Prayer in WP(MD). 8777/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 1st respondent to conduct enquiry under section 9-A of the Explosives Act, consequently direct the respondents 1,2,4,5, 7, 8 and 9 strictly implement the Prohibition of Child Labour (Prohibition and Regulation) Act, 1986 and further Labour (Prohibition and Regulation) Act, 1986 and further direct the respondents 1,2,4,5,7 and 8 to pay compensation of Rs.30,00,000/- to the persons who lost their life in the accident happened Dhanalakshmi fire works, Rs.15,00,000/- to the persons who lost their organs permanently out of such accident along with their expenses incurred by them and Rs. 10,00,000/- to the persons who sustained simple injury in the accident and pass such other order or further orders as this Hon'ble Court may deem fit.

For Petitioner : Mr.S.M.Anantha Murugan

<https://hccasesrespondecases/1to3&7> : Mr.A.Ganesan

For Respondents 4 to 6 & 8to10: Mr.M.Govindan, Spl.Govt.Pleader
assisted by Mr.T.R.Janarthanan



This writ petition has been filed seeking a direction to the respondents to pay the compensation to the legal heirs of the victims, who lost their lives in the explosives factory at Olugacheri Village in Thanjavur District.

"This writ petition has been filed seeking compensation to the tune of Rs.30 lakhs per head to the families of the victims numbering 10, who lost their lives in the licensed factory under the Explosives Rules. Most of the victims are young children, who were engaged by the respondents 11 to 13. Though the case was registered on 01.11.2013, the investigation, according to the respondent police, took three years to get completed. After this Court issued directions on 25.10.2016, for the appearance of the police and to state about the stage of investigation, today, (26.10.2016), it is reported to this Court that opinion was obtained from the Additional Public Prosecutor and final report was filed in a hurried manner before the Court and the Judicial Magistrate has taken cognizance.

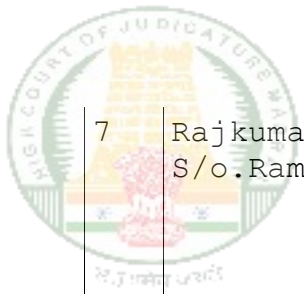
3. It is made clear that this order shall not include the dependants of one of the deceased by name Vanitha. If any amount is to be paid to the family members of the victims either on account of insurance coverage or under the Workmen Compensation Act, that amount could be recovered to the Government

Post the matter on 28.11.2016."



3. Today, when the matter was taken up, the learned Special Government Pleader submitted that the District Collector, Thanjavur, by proceedings in R.C.C4/52589/2013 dated 26.11.2016, has authorised the Superintendent of Police, Thanjavur to disburse Rs.23,92,500/- to the legal heirs of the victims as detailed in the following column:

SNo	Name of the deceased	Heirs of the deceased with relationship intended for compensation	Compensation as ordered under section 357(A) Cr.P.C.	Relief amount already sanctioned and paid	Net amount sanctioned col. (4) - (5)
(1)	(2)	(3)	(4)	(5)	(6)
1	Ranjithkumar S/o.Shanmugam	Thiru.Shanmugam (Father) S/o.Ramasamy, Keelatheru, Olugacheri	3,00,000	0	3,00,000/-
2	Venkatesan S/o.Balakrishnan	Thiru.Balakrishnan (Father) Keelatheru, Olugacheri	3,00,000	0	3,00,000
3	Anand S/o.Selvakumar	Tmt.Chitra (Mother) W/o.Selvakumar Keelatheru, Olugacheri	3,00,000	0	3,00,000
4	Aravind S/o.Selvakumar	Tmt.Chitra (Mother) W/o.Selvakumar Keelatheru, Olugacheri	3,00,000	0	3,00,000
5	Anandanayaki D/o.Chinnadurai	Tmt.Sakunthala (Mother) W/o.Chinnadurai Keelatheru, Olugacheri	3,00,000	0	3,00,000
6	Vanitha W/o.Arivalagan	Thiru.Arivalagan (Husband) S/o.Balakrishnan Pudhutharu, Olugacheri	3,00,000	1,02,500	1,97,500



7	Rajkumar S/o.Ramesh	Thiru.Ramesh (Father) S/o.Sammandam, Keelapuliyanthopp u, Thirubuvanam	3,00,000	0	3,00,000
8	Sridhar S/o.Venkatachalam	Tmt.Karpagam (Wife) W/o.Sridhar Keelapuliyanthopp u	3,00,000	1,02,500	1,97,500
9	Mugesh S/o.Chinnasamy	Thiru.Chinnasamy (Father) S/o.Ganapathi, Valluvar Street, Kangeyampettai	3,00,000	1,02,500	1,97,500
			27,00,000	3,07,500	23,92,500

4. The learned Special Government Pleader, on instructions, would submit that the said amount would be paid to the legal heirs within a week's time. The same is recorded. Accordingly, this writ petition is disposed of with a direction to the respondents to disburse the said amount within a period of one week to the legal heirs of the victims as stated in the above tabulation. If there is no dispute and if there is any dispute among the legal heirs, the Superintendent of Police may resolve it, if possible, and pay the amount to the legal heirs and in the event, the dispute among the legal heirs could not be settled, the Superintendent of Police shall direct the authorities to go and settle the dispute before the civil Court and then, as per the order of the civil Court, he shall disburse the said amount. No costs. Consequently connected Miscellaneous Petitions in WMP Nos.1/2014 & 5114/2016 are closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

1 THE SECRETARY
THE UNION OF INDIA
DEPARTMENT OF INDUSTRY AND COMMERCE NEW DELHI.

2 THE INSPECTOR OF POLICE
PANTHANALLUR POLICE STATION PANTHANALLUR
THANJAVUR DISTRICT.

3 THE SECRETARY
<https://hcservices.ecourts.gov.in/hcservices/>
UNION OF INDIA, DEPARTMENT OF CHILD WELFARE NEW DELHI.



- 4 THE CHAIR PERSON
NATIONAL COMMISSION FOR PROTECTION OF CHILD
RIGHTS 5TH FLOOR CHANDEROK BUILDING
36 JANPATH NEW DELHI.
- 5 THE CHIEF SECRETARY SECRETARIAT ST.
GEORGE FORT CHENNAI.
- 6 THE SECRETARY DEPARTMENT OF SOCIAL
WELFARE AND LABOUR EMPLOYMENT SECRETARIAT
ST. GEORGE FORT CHENNAI.
- 7 THE STATE OF COMMISSION FOR
PROTECTION OF CHILD RIGHTS SOCIAL WELFARE
DEPARTMENT SECRETARIT ST. GEORGE FORT CHENNAI.
- 8 THE CHIEF CONTROLLER OF
EXPLOSIVES PETROLEUM AND EXPLOSIVES SAFETY
ORGANIZATION A-BLOCK 5TH FLOOR CGO COMPLEX
SEMINARY HILLS NAGPOOR-440 006 MAHARASTRA STATE.
- 9 THE DISTRICT COLLECTOR
THANJAVUR DISTRICT THANJAVUR.
- 10 THE DISTRICT REVENUE OFFICER
THANAJVUR DISTRICT THANJAVUR.
- 11 THE SUPERINTENDENT OF POLICE, THANJAVUR.
- +1 CC to Mr.A.GANESAN, Advocate, SR No.73449
- +1 CC to Mr.S.M.ANANTHA MURUGAN, Advocate, SR No.73469
- +1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.73991

ORDER MADE IN
W.P(MD)No.8777 of 2014
and M.P.Nos.1/2014 and 5114/2016
28.11.2016

RR

SH/SK:19.12.2016:6P/15C