



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.08.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. (MD) No.1976 of 2013

S.Shanthi

... Petitioner

vs.

1.The Secretary to the Government,
Law Department,
Fort St.George,
Chennai.

2.The Chairman,
Tamil Nadu State Legal Service Authority,
North Fort Road,
High Court Campus,
Chennai- 600 104.

3.The Chairman,
District Legal Service Authority,
Combined Court Buildings,
Karur District at Thanthonimalai

4.The District Collector,
Karur District. ... Respondents
(R4 impleaded suo motu order dated 05.02.2013)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to consider the representation of the petitioner, dated 18.07.2012 to provide adequate compensation to the petitioner under Victim Compensation Scheme as provided under Section 357(A)(4) of the Code of Criminal Procedure Code within the time stipulated by this Hon'ble Court.

For Petitioner :Mr.M.R.Sreenivasan

For Respondents :Mr.M.Murugan

Government Advocate

O R D E R

The District Legal Services Authority, Karur, appears to have no idea as to how a petition filed for compensation under Section 357(A)(4) of the Code of Criminal Procedure should be dealt with and as such a letter was sent to the Tamil Nadu State Legal Services Authority way back on 24.07.2012 seeking guidance.



Even though 4 years have lapsed thereafter, the District Legal Service Authority, District and Sessions Judge, Karur at Thanthonimalai, failed to take any follow up action to pay compensation to the petitioner, on account of the murder of her husband on 06.06.2012. The petitioner is therefore before this Court.

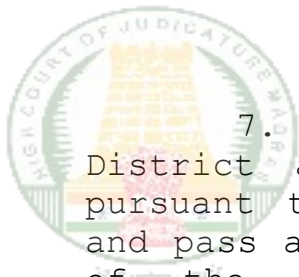
2. The husband of the petitioner by name Subramani, was employed as a Security Guard at the ATM centre maintained by Karur Vysya Bank. He was brutally murdered on 06.06.2012, while on duty. The police registered a case in Cr.No.277 of 2012 for the offences under Sections 302 and 380 IPC against unknown accused.

3. The petitioner is a poor agricultural coolie belongs to Schedule Caste Community. She made an application to the District Legal Services Authority claiming compensation on 19.07.2012. The District Legal Services Authority, called upon the Inspector of Police, Pasupathipalayam Police Station to submit a report. Thereafter, the Chairman, District Legal Service Authority, sent a letter to the State Legal Services Authority, Chennai on 24.07.2012 to guide him with regard to the procedure to be followed for paying compensation. Nothing was heard thereafter.

4. The Government have issued a notification in G.O.Ms.No.1055 Home(Police XII), dated 30.11.2013 formulating the Victim Compensation Scheme under Section 357-A of the Code of Criminal Procedure, in the name and style of "The Tamil Nadu Victim Compensation Scheme, 2013",. The Government is bound to pay compensation pursuant to the recommendation made by the Court under Sub Section (2) or(3) of Section 357-A of the Code. Similarly compensation is payable pursuant to the orders passed by the District Legal Services Authority. The Rule was notified as early as on 30.11.2013. Even thereafter, the District Legal Services Authority, Karur at Thanthonimalai, failed to take action to help a poor widow.

5. There is no point in fixing responsibility for the delay. The fact remains that the petitioner is wandering in the corridors of this Court even after a period of 4 years, of the murder of her husband. Though there is a beneficiary scheme framed by the Government, pursuant to the Legislative mandate as contained in Section 357(A) of the Criminal Procedure Code, the enforcement authorities have not taken any action in the subject matter.

6. The District Collector, Karur, filed a counter affidavit, wherein it was indicated that the failure on the part of the District Legal Services Authority, Karur at Thanthonimalai to pay compensation is the primary reason for the delay in considering the matter by the Government.



7. The Chairman, District Legal Services Authority, Karur District at Thanthonimalai is directed to conduct an enquiry pursuant to the application by the petitioner, dated 19.07.2012 and pass an order on merits and in accordance with the provisions of the Tamil Nadu Victim Compensation Scheme, 2013, as expeditiously as possible, and in any case within a period of two weeks from the date of receipt of a copy of this order. The order shall be sent to the Secretary to the Government, Home Prohibition and Excise Department, Fort St.George, Chennai, for payment.

8. The Secretary to the Government, Home Department, Fort St.George, Chennai and the District Collector, Karur are directed to take immediate follow up action to comply with the orders passed by the District Legal Services Authority, Karur at Thanthonimalai. The compensation amount fixed by the District Legal Services Authority, Karur at Thanthonimalai, in accordance with the Tamil Nadu Victim Compensation Scheme, shall be paid by the Government, as expeditiously as possible and in any case, within a period of six weeks from the date of receipt of order determining the compensation.

9. The Writ Petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to the Government,
Law Department,
Fort St.George,
Chennai.

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Combined Court Buildings,
Karur District at Thanthonimalai

4.The District Collector
Karur District.

+1cc to Mr.M.R.Sreenivasan, Advocate SR.No.48454

+1cc to special Government Pleader SR.No.48590

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