

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.1832 of 2017

Selvaraj

... Petitioner

vs.

1. The Secretary,
Government of Tamil Nadu,
Department of Public,
Fort St. George, Chennai.
2. Fathima School,
Fathima Charitable Society,
Jayankondam (PO),
Ariyalur District.
3. The Inspector of Police,
Jayankondam Police Station,
Jayankondam.
4. The District Collector,
Ariyalur District, Ariyalur. Respondents

(4th Respondent suo motu impleaded by this Court on
01.02.2017)

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 2nd respondent to pay a sum of Rs.25 lakhs to the petitioner towards compensation with 12% interest from 22.11.2012 apart from the damages, for causing the death of his son due to gross negligence of the 2nd respondent.

For Petitioner : Mr.M.Pari
For Respondents 1, 3 & 4 : Mr.S.Rajeswaran,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 2nd respondent to pay a sum of Rs.25 lakhs to him with 12% interest from 22.11.2012 towards compensation for the death of his son due to the gross negligence of the 2nd respondent School.

2. According to the petitioner, he is a poor coolie belonging to Scheduled Tribe community and has three children namely, Mariammal, Manikandan and Venkatesan. He submitted that his son Manikandan, studying II Standard in the 2nd respondent's School, stumbled and fell while climbing down the stairs in School on 21.11.2012, sustained injuries all over the body and died on 22.11.2012 due to the severity of the injuries. Thereafter, the 3rd respondent/Inspector of Police conducted post-mortem on the corpse of the said Manikandan and registered First Information Report in Crime No.650 of 2012 under Section 174 Cr.P.C., as if the petitioner's son died due to stomach ache.

3. It is the contention of the petitioner that the 2nd respondent School did not give first aid treatment to his son, despite having their own Hospital in the School premises. In this regard, the petitioner made a representation to the respondents 1 and 3 and other higher authorities for proper investigation in the death of his son and for appropriate compensation. Since no reply is forthcoming, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Though this matter is posted 'for withdrawal' today, learned counsel for the petitioner submitted that the petitioner's son Manikandan attended School on the date of his death and that he has been deprived of first aid treatment in the School. He pleaded this Court that proper investigation may be ordered in this case and further sought payment of compensation to the petitioner towards the death of his son.

6. In reply, learned Special Government Pleader submitted that the appropriate authority to grant compensation to the petitioner towards the death of his son, under the Scheduled Tribes Quota, is the District Collector.

7. On a consideration of the facts and circumstances of the case, this Court is of the view that exgratia payment ought to have been disbursed to the petitioner, as he is a poor coolie belonging to a downtrodden community. Since the appropriate authority to grant compensation is the District Collector, Ariyalur, this Court suo motu impleads the District Collector, Ariyalur District, Ariyalur as 4th respondent to this petition. At the same time, as the accident took place long back in 2012, no compensation can be ordered at this point of time.

8. The District Collector, Ariyalur is directed to sanction the compensation to the petitioner payable by the

Government under the ST Quota on account of the death of his son Manikandan, who died due to the accident in the 2nd respondent's School, after giving sufficient opportunity of hearing to the petitioner. Further, the petitioner is at liberty to approach the appropriate forum for any other relief claiming compensation, if he is entitled to.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.Nos.1819 and 1820 of 2017 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary,
Government of Tamil Nadu,
Department of Public,
Fort St. George, Chennai.
2. The Inspector of Police,
Jayankondam Police Station,
Jayankondam.
3. The District Collector,
Ariyalur District, सत्यमेव जयते
Ariyalur.

+1cc to Mr.M. Pari, Advocate, S.R.No.6305

msm(CO)
md(17/02/2017)

W.P.No.1832 of 2017