



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

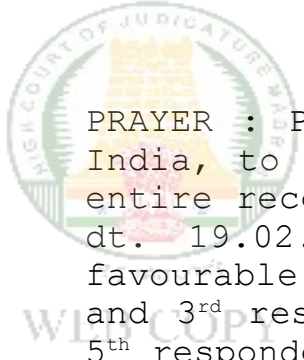
W.P.(MD) No.2256 of 2011
and
M.P.(MD) Nos.1, 2 & 3 of 2011

U.Mohamed Ali Jinnah

... Petitioner

-vs-

- 1.The Tamilnadu State Human
Rights Commission
No.143, P.S.Kumarasamy Raja Salai
Green Ways Road, Chennai-28
- 2.The Secretary to Government
of Tamil Nadu
Department of Municipal Administration of Water Supply
Secretariate, Chennai-9
- 3.The Secretary to Government of Tamilnadu
Department of Health and Family Welfare
Secretariate, Chennai-9
- 4.The Commissioner
Madurai Corporation
Madurai-2
- 5.Dr.M.S.Vasanthi
Medical Officer
Corporation Maternity Hospital
Munichalai, Madurai-9
- 6.B.Mary
Matering Assistant
Munichalai



PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the entire records pertaining to the order passed in SHRC.No.7319/2005 dt. 19.02.2008 of the 1st respondent and quash the findings favourable to the 5th respondent and consequently directing the 2nd and 3rd respondent to take appropriate departmental action on the 5th respondent.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.T.Lajapathy Roy for R1
 Mr.V.Muruganantham
 Additional Government Pleader for R2 & R3
 Mr.R.Murali for R4
 Mr.I.Suthakaran for R5
 Mr.R.Venkateswaran for R6

O R D E R

(Order of the Court by T.S.SIVAGNANAM, J.,)

By an order, dated 12.06.2017, we referred the matter for mediation and appointed Mrs.R.Meena Kumari as the sole mediator to mediate the issue, which is pending in this writ petition.

2. After strenuous efforts and thorough discussion, the parties arrived at a settlement and accordingly, they entered into a memorandum of settlement, dated 19.06.2017. For better appreciation, the entire terms of settlement is quoted herein below:

"That the writ petition has been filed against the order of State Human Rights Commission, Chennai dated 19.02.2008 in SHRC Case No.7319 of 2005. The Ld. State Commission has passed order directing the Government of Tamil Nadu to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) as total compensation to the Petitioner and his wife Mrs.NiroshBanu for the negligence of 6th respondent/B.Mary and dismissed as against the 5th respondent/Dr.Vasanthi. The finding against the 5th respondent is challenged in the present writ petition and during the pendency of the above-mentioned writ petition, the parties to the said writ petition namely the writ petitioner along with his wife (Victim) and the 5th Respondent arrived at settlement. The terms of the compromise settlement are reproduced herein



a. That the parties have mutually agreed to settle the matter by the 5th respondent paying the writ petitioner a sum of Rs.2,50,000/- (Rupees Two Lakh and Fifty Thousand only) vide demand draft No909604, dated 19.06.2017 drawn on Tamil Nadu Mercantile Bank, Chinthamani Branch, payable at Madurai as a full and final settlement.

b. That this full and final settlement has been mutually arrived at between the parties to the above writ petition and thereby the parties mutually agree that they shall not make any future or further claim against each party in respect of the present subjectlis.

c. It is agreed that the afore-said payment is being madeby the 5th respondent only with a view to put a quietus to the dispute and in no manner suggests any kind of admission/ acknowledgement of any allegations made in the complaint made before the Ld. Human Rights Commission, Chennai.

d. That the parties pray to the Hon'bleHigh Court to set aside the order of the Ld. State Commission.

e. That the present compromise settlement will constitute withdrawal of the complaint in SHRC Case No.7319 of 2005 and all allegations made by the writ petitioner on behalf of her wife namely NiroshBanu against the 5th respondent in the said complaint.

That the writ petitioner and 5thRespondent have fully understood the present terms and entered into the same of their own free volition and without any coercion, undue influence or the like. The parties are competent to enter into the present agreement.

That the parties shall remain bound by the terms of the present terms at all times.

Dated at Madurai this is the 19th day of June, 2017"

3. The above settlement has been signed by the writ petitioner, 5th respondent, the claimant / Nirosh Banu and their respective counsels. In terms of the above settlement the claim



made by the petitioner as against the fifth respondent stands extinguished and both parties agreed that the order, dated 19.02.2008, passed by the Tamil Nadu State Human Rights Commission, in SHRC No.7319 of 2005, shall stand set aside, the complaint filed by the petitioner shall stand withdrawn and the allegations made in the said complaint against the fifth respondent shall stand eschewed and as agreed between the parties, they shall remain bound by the compromise arrived at between them.

4. The Demand Draft for Rs.2,50,000/- (Rupees two lakhs and fifty thousand only), dated 19.06.2017, drawn in favour of Mrs.Nirosh Banu, was handed over to her in the presence of the parties before this Court.

5. Thus, by recording the memorandum of settlement, dated 19.06.2017, and the mediation agreement report dated 19.06.2017, the writ petition is disposed of by setting aside the dated 19.02.2008, passed by the Tamil Nadu State Human Rights Commission, in SHRC No.7319 of 2005, and the complaint filed by the petitioner shall stand withdrawn, the allegation made in the complaint as against the fifth respondent and other respondents shall stand eschewed and as agreed between the parties, they shall remain bound by the compromise arrived at between them. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To:

1.The Secretary,
Department of Municipal Administration of Water Supply,
Secretariate, Chennai-9.

2.The Secretary to Government of Tamilnadu,
Department of Health and Family Welfare,
Secretariate, Chennai-9.

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.60922

+One cc to Mr.I.Suthakaran, Advocate, SR.No.60845

+One cc to Mr.R.Murali, Advocate, SR.No.61051

+One cc to Mr.R.Venkatesan, Advocate, SR.No.61393

+One cc to Mr.R.Venkateswaran, Advocate, SR.No.61329

ia/krk

RL/8C/4P/GT/SAR1/30/6/2017

W.P.(MD) No.2256 of 2011

and

M.P.(MD) Nos.1 to 3 of 2011