

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.11654 of 2012

K.Arumugam

... Petitioner

Vs

1.The District Collector,
Thiruvavur,
Tamil Nadu.

2.The Secretary,
Public Works Department,
Secretariat,
Chennai-600 009.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the first respondent to consider and pass orders on the representation made by the petitioner dated 25.11.2010 to him.

For Petitioner : Mr.E.R.K.Moorthy

For Respondents : Mrs.P.Rosekamalam
Addl. Govt. Pleader

ORDER

Heard Mr.E.R.K.Moorthy, learned counsel for the petitioner and Mrs.P.Rosekamalam, learned Additional Government Pleader for the respondents.

2. The petitioner has approached this Court, seeking the following relief:

"To issue a writ of Mandamus directing the first respondent to consider and pass orders on the representation made by the petitioner dated 25.11.2010 to him."

3. The petitioner's son who was 21 years old, had fallen into river on 12.10.2010 while going on his bicycle and was drowned and died. With the help of the local police and fire service personnel, his body was recovered and sent for postmortem to the Government H.Q.Hospital, Mannargudi.

4. According to the petitioner, the petitioner's son was working as coolie and was earning Rs.7,000/- p.m. Since his son was a substantial breadwinner of the petitioner's family, was rendering financial assistance to the family, his sudden death reduced the family to indigent circumstances. According to the petitioner, he has been living with his wife who is aged 60 years old and after loss of their son, they were unable to meet their day-to-day requirements. In these circumstances, the petitioner made a representation on 25.11.2010 to the 1st respondent seeking a reasonable compensation for loss of their son. According to the petitioner, the relevant documents were also enclosed along with the representation dated 25.11.2010. Since there was no response forthcoming from 1st respondent, the petitioner made further representation to the Chief Minister's Special Cell on 21.12.2010 and 24.02.2011. However, it appears that none of the representations has evoked any response nor any compensation awarded to the petitioner. Therefore, this writ petition has been filed seeking for issuance of writ of Mandamus.

5. Upon notice, Mrs.P.Rosekamalam, the learned Additional Government Pleader, entered appearance for the respondents and made her submissions.

6. Since the scope of the prayer is very limited in nature seeking intervention of this Court to direct 1st respondent to dispose of the representation, this Court is of the considered view that such direction can be issued to 1st respondent to dispose of the representation, for which the learned Additional Government Pleader cannot have any valid and legitimate objection.

7. In view of the above, there shall be a direction to 1st respondent to dispose of the representation, dated 25.11.2010, submitted by the petitioner seeking compensation for the loss of his son on 12.10.2010. The 1st respondent is directed to consider the claim of the petitioner sympathetically and grant a reasonable compensation payable to the petitioner in such instances. A decision to provide compensation shall be taken by the 1st respondent, within a period of eight weeks from the date of receipt of a copy of this order and the petitioner shall be informed of the decision and the compensation provided, forthwith.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

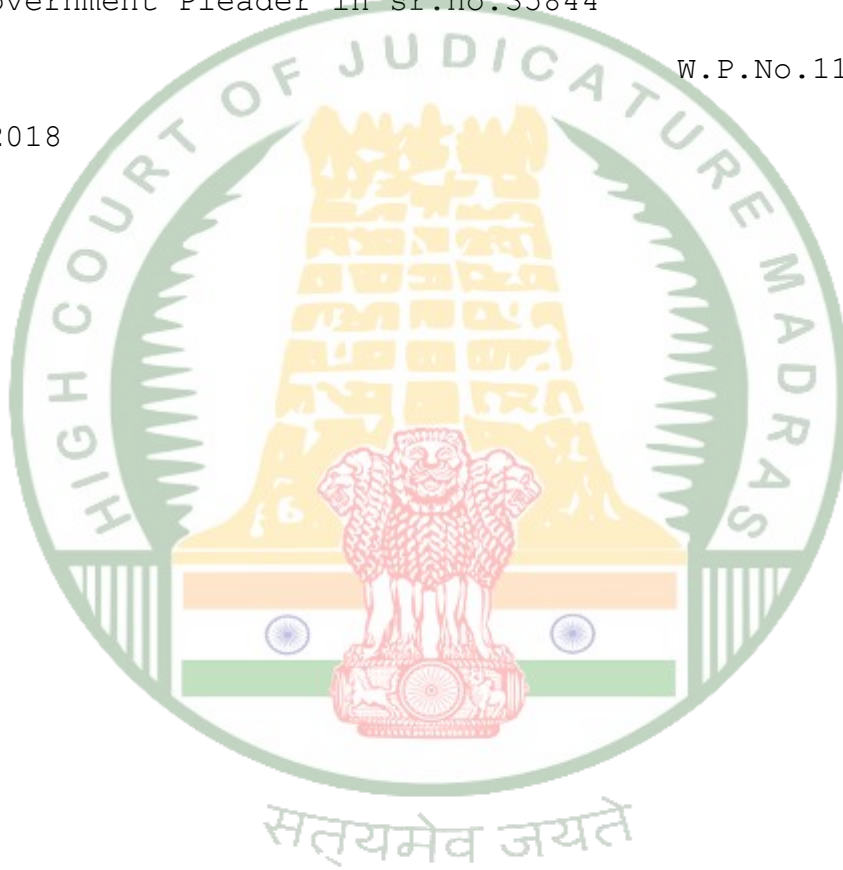
1.The District Collector,
Thiruvarur,
Tamil Nadu.

2.The Secretary,
Public Works Department,
Secretariat,
Chennai-600 009.

+lcc to Government Pleader in sr.no.35844

W.P.No.11654 of 2012

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