

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M. KALYANA SUNDARAM

Writ Petition No.3271 of 2013

K. Manjula

...Petitioner

Vs.

1. The District Collector,  
Vellore District,  
Vellore.
  2. The Inspector of Police,  
Natrampalli, Tirupattur Taluk,  
Vellore District.
  3. The Magendiren,  
Jangalapuram,  
Atturkuppam Post,  
Natrampalli, Vellore District.
- ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent viz., The District Collector, Vellore, to fix the compensation and to provide to the petitioner.

For Petitioner : Mr.K. Thiruvalluvan

For Respondents 1 & 2 : Mr.B. Anand  
Government Advocate

For Respondent-3 : Mr.S. Anburaja  
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O R D E R

The petitioner has come forward with the present writ petition seeking for a direction to the first respondent to fix compensation.

2. Heard Mr.K. Thiruvalluvan, the learned counsel appearing for the petitioner, Mr.B. Anand, the learned Government Advocate appearing for the respondents 1 & 2 and Mr.S. Anburaja, the learned counsel appearing for the third respondent.

3. The case of the petitioner is that her husband viz., Krishnamurthy, died in the year 2006 leaving behind her and two minor children aged about 9 and 12 years. Subsequently, the petitioner approached the Village Administrative Officer, Tirupattur, for claiming compensation of Rs.10,000/- from the Government of Tamilnadu.

4. The petitioner alleges that in the meanwhile, the third respondent approached her to extend his helping hands for getting compensation. She gave all the certificates to the third respondent who was working as Village Assistant and thereafter, the Tahsildar of Tirupattur has paid Rs.10,000/- to the petitioner. While so, the third respondent invited the petitioner to his house and forcibly raped her and also taken away Rs.10,000/- from the petitioner.

5. The petitioner further stated that she lodged a complaint with the second respondent police and on that basis a Criminal case in Crime No.171 of 2011 was registered on 26.04.2011 for the offences punishable under Sections 376 and 307 of Indian Penal Code.

6. The petitioner further alleges that when she demanded money from the third respondent, she was attacked severely and the third respondent throw acid on her body. Thereby she suffered acid injury and the village people immediately admitted her in Tirupattur Government Hospital.

7. In the counter affidavit filed by the second respondent, it is stated that based on the order passed in Criminal Original Petition No.9384 of 2010, a criminal case was registered against the third respondent in Crime No.171 of 2011 on 26.04.2011. During the course of investigation, it came to light that the petitioner being a widow approached the third respondent for getting legal heir certificate and other certificates for receiving widow pension. While it was so, the petitioner went several times to the third respondent and both were living as husband and wife.

8. It is further stated that on 06.10.2007, while the petitioner was going inside her house along with a keroscene chimney burning lamp, it had fallen down accidentally and thereby the petitioner suffered injuries on her left leg. The second respondent police approached the Medical Officer of the Government Hospital, Tirupattur and sent a requisition letter,

dated 25.10.2011 for providing medical records with regard to the treatment said to have been given to the petitioner. But, the second respondent police could not get any details about the medical treatment said to have been taken by the petitioner at the Government Hospital, Tirupattur, as there was no records available.

9. The learned counsel appearing for the petitioner submitted that the petitioner sent a representation dated 05.04.2010 seeking for compensation from the first respondent, but there was no response. Hence, the present Writ Petition is filed.

10. The learned Government Advocate submitted that the occurrence said to have been taken place in the year 2006, but the complaint was preferred in the year 2009 only i.e., after lapse of three years and the criminal case was registered in the year 2011. It is further stated that the petitioner has not furnished any proof for sending the representation to the second respondent.

11. The learned counsel for the third respondent submitted that the petitioner has made false allegations against the third respondent with the malafide intention.

12. In the light of the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side without going into the merits of the case, this Court directs the petitioner to give a fresh representation to the first respondent seeking compensation and on receipt of the representation, the first respondent is directed to consider the same and pass appropriate orders purely on merits and in accordance with law, after providing sufficient opportunity to all the necessary parties.

13. With the above directions, the Writ Petition is disposed of. No costs. सत्यमेव जयते

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msm

To

1. The District Collector,  
Vellore District, Vellore.
2. The Inspector of Police,  
Natrampalli, Tirupattur Taluk,  
Vellore District.

+1 cc to M/s.S.Anburaj Advocate sr 25324  
+1 cc to M/s.K.Thiruvalluvan Advocate sr 25770  
+1 cc to the Govt pleader sr 25927

W.P.No.3271 of 2013

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