



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2018

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.28 OF 2011

1.R.Venkatraman

2.V.S.Thirupura Sundari

: Appellants/Petitioners

.vs.

1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai- 600 009.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Superintendent of Police,
Dindigul District,
Dindigul.

4.The Inspector of Police,
Vilampatti Police Station,
Dindigul District.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.1263 of 2008, dated 13.12.2010.

Prayer in WP(MD). 1263/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to enquire into the second petitioner's representation dated 08/09/2007 and to pay appropriate compensation to the petitioners herein.

For Appellants

: Mr.Anwar Sameem

for M/s.I.Irulappan

For Respondents

: Mr.C.M.Mari Chelliah Prabu



JUDGEMENT

[Judgement of the Court was made by K.RAVICHANDRABAABU, J.]

This Writ Appeal is directed against the order made in W.P(MD) No.1263 of 2008, dated 13.12.2010.

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2.The appellants are the Writ Petitioners. They filed the above said Writ Petition for a mandamus directing the first respondent to enquire into the representation given by the second petitioner, dated 08.09.2007 and to pay appropriate compensation to the Petitioners/Appellants.

3.The second petitioner made such representation for payment of compensation for the bodily injuries suffered by her and for the mental agony undergone as well as for the loss caused to her property resulting out of a law and order problem that had arisen at the time of opening the Hundial at Arulmighu Sri Muthalamman Temple, Vilampatti Village, Nilakkottai Taluk, Dindigul District, where the second petitioner is a Trustee.

4.Though the learned Single Judge directed the first respondent/Government to enquire into the said representation of the second petitioner as per law, the writ petitioners had chosen to file the present Writ Appeal by contending that the learned Single Judge ought to have allowed the Writ Petition and directed payment of appropriate compensation to the appellants. After entertaining the Writ Appeal, the matter was adjourned on few occasions by directing the Police Officials to file a status report.

5.Today, when the matter is taken up for further hearing, it is submitted that the District Legal Services Authority, Dindigul in a Victim Compensation Case No.1 of 2018 filed by the very same second petitioner/second appellant herein passed an award on 8.5.2018, awarding a sum of Rs.2 lakhs as compensation to the second appellant under Section 357-A of Cr.P.C and Section 5 of the Victim Compensation Act, 2016. It is not in dispute that the said award was passed by the District Legal Services Authority, Dindigul arising out of the same cause of action, however, in pursuant to an interim direction issued by this Court.

6.The learned counsel for the appellant fairly submitted that since the award is passed by the District Legal Services Authority as stated supra, the Writ Appeal can be disposed of taking note of the above said fact.

7.Considering the fact that the Writ Petition itself was filed for mandamus seeking for payment of compensation based on the representation made by the second appellant and considering the fact that the District Legal Services Authority, Dindigul now has awarded a compensation of Rs.2 lakhs to the second appellant as stated supra, we do not find anything survives in this Writ Appeal to be adjudicated upon.



8. Accordingly, this Writ Appeal is closed, by recording the above said payment of compensation to the second appellant. No costs.

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/True Copy/

Sd/-

Assistant Registrar (Crl. side)

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai- 600 009.

2. The District Collector,
Dindigul District,
Dindigul.

3. The Superintendent of Police,
Dindigul District,
Dindigul.

4. The Inspector of Police,
Vilampatti Police Station,
Dindigul District.

5. The Officer Incharge,
District Legal Services Authority,
Dindigul.

+1cc to M/S.I.Irulappan, Advocate SR.No. 67750
+1cc to Special Government Pleader, SR.No. 68370

JUDGEMENT MADE IN
W.A (MD) NO. 28 OF 2011
11.06.2018

vsn

JM/SV MMS/SAR 2/25.06.2018/3P/8C