

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.1330 of 2019

S.Leena

...Petitioner

Vs.

1.The District Collector
The Office of District Collector,
Kanchipuram.

2.The Deputy Commissioner of Police
Police Office Road,
St.Thomas Mount,
Chennai-600 016.

3.The Tahsildar
Pallavaram Taluk Office
Pallavaram, Chennai-600 043.

4.The Inspector of Police
S1, St.Mount Police Station
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in relation to the accidental death of petitioner's husband by unknown vehicle and quash the letter O.Mu.No.23328/2018/R dated 10.12.2018 issued by the first respondent and direct the 1st respondent to pay the compensation of Rs.1,00,000/- to the petitioner within the time fixed by this Hon'ble Court.

For Petitioner : Mrs.P.Uma

For Respondents : Mr.E.Balamurugan
Special Government Pleader

O R D E R

The petitioner is aggrieved against the order of the first respondent dated 10.12.2018, wherein and whereby, the request of the petitioner for payment of compensation of Rs.1,00,000/- due

to the death of her husband by name Simon Shanmugam in a hit and run road accident occurred on 24.05.2015, was rejected solely on the reason that the request of the petitioner was made belatedly.

2. The petitioner is aged about 62 years and working as a Domestic Helper to earn her livelihood. It is stated that her husband was working as a security and on 24.05.2015 at around 21.00 hours, he was hit down by a unknown vehicle near to his working place and got seriously injured. Though he was admitted in the hospital and provided with treatment, unfortunately, due to grievous injury, he died on 25.05.2015 at 9.00 a.m. The petitioner sought for compensation from the first respondent under the Scheme of compensation from the Accident Relief Fund. The said request was rejected by the first respondent by passing the impugned order dated 10.12.2018.

3. A counter affidavit is filed by the fourth respondent, wherein, it is admitted that the petitioner's husband died on 25.05.2015 due to grievous injury caused during the accident resulting out of hit and run case. It is also admitted in the counter affidavit, that an FIR in Crime No.273/M2/2015 was filed under Sections 279 & 337 IPC immediately. It is further stated that as per G.O.Ms.No.49, Home (Tr.IV) Department, dated 09.01.2012, the Assistant Commissioner of Police, Traffic Investigation Wing, Ashok Nagar, Chennai-600 083, through his proceedings dated 12.03.2015 recommended to the Revenue Divisional Officer, Tambaram, Chennai-45, for awarding compensation of Rs.1,00,000/- to the victim from the Chief Minister's Accident Relief Fund. It is further stated that the petitioner had applied for compensation before the Revenue Divisional Officer only on 25.11.2018.

4. Perusal of the above stated facts and circumstances culled out from the pleadings of the respective parties discloses that the death of the petitioner's husband resulting out of the hit and run accident, is not in dispute. It is further seen that the police in fact has made recommendation to the Revenue Divisional Officer, Tambaram, Chennai on 02.07.2015 itself for paying compensation of Rs.1,00,000/- to the petitioner from the Chief Minister's Accident Relief Fund. Therefore, the entitlement of the petitioner to get such compensation is not in dispute. But the only reason stated is that the petitioner approached the Revenue Divisional Officer belatedly to get such compensation. I do not think that the reason stated in the impugned proceedings for not disbursing an ex-gratia payment of Rs.1,00,000/- to the petitioner, that too, towards the unfortunate death of her husband due to the hit and run accident case, can be justified in any manner, as this Court is of the view that the said payment is a meagre sum to the petitioner to earn her livelihood after losing her husband and

therefore, no technical objections can stand in the way of the petitioner in getting such monetary benefit which she is otherwise entitled to as stated supra. Therefore, this writ petition is allowed and the impugned order is set aside. Consequently, the first respondent is directed to disburse the compensation amount of Rs.1,00,000/- to the petitioner as recommended by the Assistant Commissioner of Police, Traffic Investigation Wing, Ashok Nagar, Chennai-600 083, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector
The Office of District Collector,
Kanchipuram.
- 2.The Deputy Commissioner of Police
Police Office Road,
St.Thomas Mount, Chennai-600 016.
- 3.The Tahsildar
Pallavaram Taluk Office
Pallavaram, Chennai-600 043.
- 4.The Inspector of Police
S1, St.Mount Police Station
Chennai.

+1 cc to M/s.P.Uma, Advocate, S.R.No.11786

+1 cc to the Government Pleader, S.R.No.12301

W.P.No.1330 of 2019

SV(CO)
SSM(06/03/2019).