

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.28092 of 2004
and
W.P.M.P.No.34121 of 2004

Bundhi Prasad Thapa

..Petitioner

Vs

1. The District Collector,
Vellore District,
Vellore.
2. The Superintendent of Police,
Vellore District,
At Vellore.
3. The Deputy Superintendent of Police,
Gudiyatham,
Vellore District.
4. The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.
5. The Chief Educational Officer,
Vellore,
Vellore District.
6. The Headmaster,
Government Boys Higher Secondary School,
K.V.Kuppam, Katpadi Taluk,
Vellore District.

.. Respondents

Payer:

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, directing the respondents 1 to 5 to made proper enquiry about the cause of death of the petitioner's Nephew Anil Kumar Thapa who studied VIII Standard 'D' Section, English Medium at the Government Boys Higher Secondary School, K.V.Kuppam, Vellore District who sustained injuries on 13.08.2004 and died on 15.08.2004 and take suitbale action againt the 6th respondent school authorities for

their in action and also against Ramkumar son of Srinivasan, who is also studying VIII Standard in the 6th respondent school and consequently, direct the 6th respondent to pay adequate compensation for the improper action for the cause of death of Anilkumar Thapa.

For Petitioner : Mr.Gopalakrishnan

For Respondents : Mr.B.Anand
Government Advocate for R1 to R4
Mr.P.Raja
Government Advocate for R5 & R6

O R D E R

Heard Mr.Gopalakrishnan, learned counsel for the petitioner, Mr.B.Anand, learned Government Advocate for the respondents 1 to 4, Mr.P.Raja, learned Government Advocate for the respondents 5 and 6 and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of mandamus, directing the respondents 1 to 5 to make proper enquiry about the cause of death of the petitioner's Nephew Anil Kumar Thapa, who studied VIII Standard in the sixth respondent School and to take suitable action against the sixth respondent/School authorities for their inaction and also against Ramkumar, who was also studied VIII Standard in the sixth respondent School and consequently, directing the sixth respondent to pay adequate compensation for their improper action for the cause of death of Anilkumar Thapa.

3. When the matter is taken up for hearing, it is represented by the learned Government Advocate appearing for the respondents 5 and 6 that this writ petition has been filed straight away without even making a representation to the competent authority. It is further stated that if the petitioner makes a representation before the sixth respondent, the same would be considered.

4. At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to give a representation to the sixth respondent.

5. In the light of the limited scope of prayer sought for in this writ petition and the submissions made by the learned counsel on either side, this Court without going into the merits of the case, directs the petitioner to give a representation to the sixth respondent within a period of four weeks by enclosing a copy of this order. On such compliance, the sixth respondent

shall forward the same to the competent authority for necessary action and the said authority shall pass orders on merits and in accordance with law, after providing an opportunity of personal hearing to all necessary parties.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Vellore District, Vellore.
2. The Superintendent of Police,
Vellore District, Vellore.
3. The Deputy Superintendent of Police,
Gudiyatham, Vellore District.
4. The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.
5. The Chief Educational Officer,
Vellore, Vellore District.
6. The Headmaster,
Government Boys Higher Secondary School,
K.V.Kuppam, Katpadi Taluk,
Vellore District.

+1cc to the Government Pleader, S.R.No.68099

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and
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VGI (CO)
CS/25/09/2019