

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 6702 of 2016
and
W.M.P. 5942 of 2016

K.Nagarani

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Home Department,
Fort St. George,
Chennai-600 009.
2. The State of Tamil Nadu,
rep. by its Director,
Department of Social Welfare,
Chepauk,
Chennai.
3. The Director General of Police,
Chennai.
4. The Joint Director,
Central Bureau of Investigation,
Sasthri Bhavan,
Chennai.
5. Union of India,
rep. by Secretary,
Ministry of Women and
Child Development,
New Delhi.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to pay the petitioner, a sum of Rs.3 lakhs as compensation under the Tamil Nadu Victim Compensation Scheme, 2013 and in view of the order of the Division Bench of this Hon'ble Court in HCP (MD) No. 836 of 2013 dated 22.09.2015.

For Petitioner : Ms. P.Selvi

For Respondents : Mr.A.Natarajan, Sr. Adv.
State Public Prosecutor,
assisted by M/s.Santha GA
for RR1 to 4
Ms.Sunitha Kumari,
C.G.S.C. for R5

O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1 to 3 to pay a sum of Rs.3 lakhs as compensation under the Tamil Nadu Victim Compensation Scheme, 2013 for the missing boy.

2. The grievance of the petitioner is that, on 09.03.1999, the petitioner's son one Satish Kumar, aged about 1 ½ years, was kidnapped by unknown persons. As the petitioner was unable to trace the child, she has filed a complaint before the P-1 Police Station, Chennai, and a criminal case was registered in crime No.391/1999, which was pending investigation. Thereafter, the petitioner came to know that one Malaysian Social Services Organisation had received the stolen child, and given in adoption. In the above circumstances, the petitioner has filed a Habeas Corpus Petition before this Court in H.C.P. No.324 of 2006. A Division Bench of this Court by an order dated 04.09.2007 has directed the C.B.I. to conduct investigation. Based on that, after investigation, a final report has been filed, which reveals that the missing child Satish Kumar has been kidnapped by the above said Malaysian Social Service agency. After changing the name of boy, he was given in adoption to a couple from Netherlands, interested in adopting the child. Subsequently, they have filed a petition before this Court in O.P. No.452 of 2000, and this Court by an order dated 31.08.2000, has granted foster care to the above Netherlands couple. So far, the boy was not returned to the biological mother. However, a Division Bench of this Court in H.C.P. No.836 of 2013, by an order dated 22.09.2015, directed the authorities to pay an interim compensation of Rs.3 lakhs to the mother of missing child, who was not traced for more than 7 years. Pursuant to the above direction, the petitioner has made a representation, that was not considered. Hence, the present Writ Petition has been filed by the petitioner.

3. Mr.A.Natarajan, learned State Public Prosecutor appearing for respondents 1 to 4 is not disputing the above said fact. However, he has fairly submitted that as per the order passed by the Division Bench of this Court, the petitioner is entitled to get a sum of Rs.3 lakhs as compensation under the Tamil Nadu Victim Compensation Scheme, 2013. Earlier, as per the order passed by this Court, an interim compensation of Rs.1 lakh has been paid to the petitioner. Hence, she is entitled to get the remaining sum of

Rs.2 lakhs, and the representation submitted by the petitioner is also pending before the concerned authorities.

4. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as the learned State Public Prosecutor appearing for respondents 1 to 4 and perused the records carefully.

5. Considering the submissions of learned Public Prosecutor, the Commissioner of Police, Chennai City, is directed to pay the remaining compensation of Rs.2 lakhs to the petitioner within a period of eight weeks from the date of receipt of the copy of this order. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition in W.M.P. 5942 of 2016 is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rpp

To

1. The Secretary,
State of Tamil Nadu,
Home Department,
Fort St. George,
Chennai-600 009.
2. The Director,
State of Tamil Nadu,
Department of Social Welfare,
Chepauk,
Chennai.
3. The Director General of Police,
Chennai.
4. The Joint Director,
Central Bureau of Investigation,
Sasthri Bhavan,
Chennai.
5. The Secretary,
Union of India,
Ministry of Women and
Child Development,
New Delhi.

+1cc to Ms. P.Selvi, Advocate SR.No.96797

+1cc to Ms.Sunitha Kumari, Advocate SR.No.

+1cc to Public Prosecutor SR.No.97241

W.P. 6702 of 2016
and
W.M.P.5942 of 2016

SPD (CO)
GMY (29/01/2020)



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