

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.34459 of 2018

P.Sarguna

.. Petitioner

Vs.

1.The Member Secretary,
State Legal Services Authority,
North Fort Road, High Court Campus,
Chennai-600 104.

2.The Secretary,
The District Legal Services Authority,
District Court Buildings,
Cuddalore-607 001.

3.The Inspector of Police,
Puduchathram Police Station,
Cuddalore District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent herein to consider the petitioner's representation dated 19.04.2018 seeking compensation under the Tamil Nadu Victim Compensation Scheme, 2013 in the light of the Government Order dated 30.11.2013 in G.O.(Ms) No.1055, Home (Police XX) Issued by the Home Department (Police XII), Tamil Nadu Government, within time frame to be stipulated by this Court.

For Petitioner .. Mr.G.Mahesh Kumar

For Respondents .. Mr.M.Mohamed Riyaz
Addl. Public Prosecutor for R3

ORDER

This writ petition has been filed seeking for issuance of Writ of Mandamus directing the second respondent to consider the representation made by the petitioner seeking for compensation

under the Tamil Nadu Victim Compensation Scheme, 2013.

2.The petitioner's son died in a road accident when he was hit by a bus belonging to the State Transport Corporation near Silambikulam, on 03.04.2017. An FIR came to be registered in Crime No.71 of 2017 for an offence under Sections 279 and 304(A) of IPC. This FIR was registered on 06.04.2017. The bus driver has not been identified and the case is still in the stage of investigation.

3.The petitioner made a representation to the second respondent under the Victim Compensation Scheme, 2013, which came into force by virtue of G.O.Ms.No.1055, dated 30.11.2013, claiming for victim compensation. Since the same was not considered, the present writ petition has been filed before this Court.

4.It will be relevant to extract the portion of the G.O. which gives the right to the petitioner to claim for compensation:

Eligibility for compensation:4(1) A victim or his dependants shall be eligible for the grant of compensation under the Scheme where:-

(a) a recommendation is made by the Court under sub-section (2) or (3) of section 357-A of the Code or the Victim or his dependants make an application to the State or the District Legal Services Authority for award of compensation under sub-section (4) of Section 357-A of the Code;

5.The Rule-5 of the said G.O., provides the procedure for the grant of compensation. The petitioner claims to be entitled for compensation under the said Scheme and has applied for the same before the competent authority viz., the second respondent.

6.This writ petition is disposed of with a direction to the second respondent to consider the representation, dated 06.04.2018 and 19.04.2018 and deal with the same in accordance with the Tamil Nadu Victim Compensation Scheme, 2013. This process shall be completed by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Member Secretary,
State Legal Services Authority,
North Fort Road, High Court Campus,
Chennai-600 104.

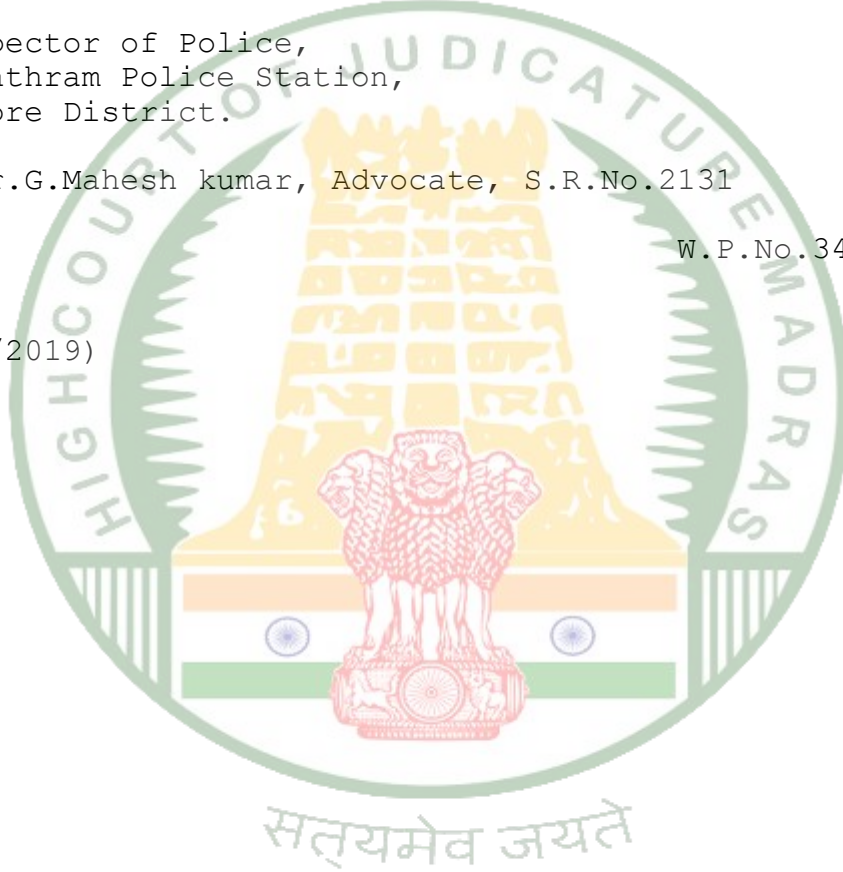
2.The Secretary,
The District Legal Services Authority,
District Court Buildings,
Cuddalore-607 001.

3.The Inspector of Police,
Puduchathram Police Station,
Cuddalore District.

+lcc to Mr.G.Mahesh kumar, Advocate, S.R.No.2131

W.P.No.34459 of 2018

MP (CO)
GSP(06/02/2019)



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