



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.10.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P (MD) No. 9232 of 2009

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M.Palanisamy Gounder

... Petitioner

/vs./

1.The State of TamilNadu,
Represented by the Chief Secretary,
St.George Fort,
Chennai - 9.

2.The District Collector,
Dindigul District, Dindigul.

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

4.The Revenue Divisional Officer,
Palani Taluk,
Palani, Dindigul District.

5.The Director of School Education,
(Higher Secondary), College Road,
Chennai - 6.

6.The Chief Educational Officer,
Dindigul District, Dindigul.

7.The Correspondent,
Chockalinga Gounder Memorial Hr.Sec.School,
Gorikadavu, Palani Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to take action against the 7th respondent and those persons involved in the death of petitioner's son by directing them to pay compensation of Rs.20,00,000/- for the death of petitioner's son in the 7th respondent School.

For Petitioner	: Mr.A.David Oliver for Mr.S.Sivathilakar
For R-1 to R-6	: Mr.Aayiram K.Selvakumar Additional Government Pleader
For R-7	: Mr.D.Venkatesh



ORDER

Mr.A.David Oliver, learned counsel on record for writ petitioner is before this Court.

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2. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, accepts notice on behalf of respondents 1 to 6. Mr.D.Venkatesh, learned counsel accepts notice on behalf of seventh respondent.

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

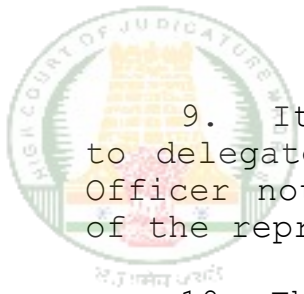
4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 15.04.2009 wherein writ petitioner has sought compensation for death of his son who was studying in 8th Standard in the Chockalinga Gounder Memorial Hr.Sec.School (said School is 7th respondent in instant writ petition).

5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the second respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 15.04.2009, details of which have been alluded to supra.

6. Learned State counsel submitted that the second respondent is the authority who shall consider the aforementioned representation dated 15.04.2009 made by the writ petitioner (page Nos.38 to 40 of the typed set of papers forming part of the case file).

7. While disposing of the representation, two aspects shall be borne in mind. One is, all persons whose rights are likely to be touched upon by the disposal of representation and more particularly, seventh respondent, shall be put on notice and given a reasonable opportunity. The second aspect is, the authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

8. The aforesaid representation dated 15.04.2009 shall be disposed of by the second respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order.



9. It is made clear that it is open to the second respondent to delegate the power of work of conducting enquiry to any other Officer not below the rank of Deputy Collector, but, consideration of the representation will be under his/her supervision.

10. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter, as the direction to the second respondent is to consider the representation on its own merits and in accordance with law.

11. The proceeding / order of disposal shall be communicated by the office of the second respondent to the writ petitioner as well as the 7th respondent under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.

12. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Chief Secretary, Fort St.George Fort, Chennai - 9.

2.The District Collector, Dindigul District, Dindigul.

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

4.The Revenue Divisional Officer,
Palani Taluk, Palani, Dindigul District.

5.The Director of School Education,
(Higher Secondary), College Road, Chennai - 6.

6.The Chief Educational Officer,
Dindigul District, Dindigul.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 94619

Order made in
W.P (MD) No. 9232 of 2009
Dated: 24.10.2019

TR(08.11.2019) 3P 8C