

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 03.09.2019****CORAM:****THE HONOURABLE MR.JUSTICE M.SUNDAR****W.P(MD)No.19164 of 2019**

WEB COPY

V.Pachandi

... Petitioner

vs.

1. The Secretary to Government,
Social Welfare and Nutritious Meal
Programme Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Office of the District Collector,
Virudhunagar District.

3. The District Social Welfare Officer,
Office of the District Social Welfare Office,
Virudhunagar District.

4. The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

... Respondents

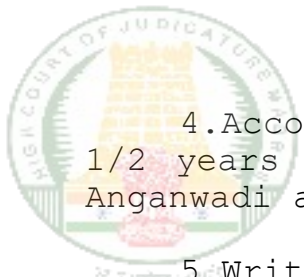
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents herein to pay compensation for causing the death of his daughter Balamani due to negligence of the officials of the third respondent herein, on the basis of the petitioner representation dated 05.07.2019 within the time stipulated by this Court.

For Petitioner : Mr.S.Sivaprakash
for Mr.A.S.Vaigunth
For Respondents : Mr.B.Bhagawathi,
Government Advocate.

ORDER

Mr.S.Sivakprakash, learned counsel representing counsel on record for the writ petitioner and Mr.B.Bhagawathi, learned Government Advocate who accepts notice on behalf of all four respondents are before this Court.

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



4. According to the writ petitioner, writ petitioner's then 4-1/2 years old daughter, died when she had gone over to the local Anganwadi and this was on 16.03.2011.

5. Writ petitioner submits that death was owing to negligence on the part of the people manning in the Anganwadi, but this Court is not inclined to express any view or opinion on this submission.

6. Notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant Writ Petition, learned counsel for writ petitioner restricts / abridges the scope of the writ petition at the hearing and submits that it will suffice if there is a direction to the second respondent to dispose of writ petitioner's representation dated 05.07.2019 (page Nos.9 & 10 of the typedset of papers forming part of the case file placed before this Court).

7. Learned Government Advocate submits that the prayer now is innocuous, but the merits of writ petitioner's claim need to be examined.

8. In the light of the direction narrative thrustor, instant Writ Petition is disposed of with a direction to the second respondent to consider writ petitioner's representation dated 05.07.2019 (page Nos.9 & 10 of the typedset of papers forming part of the case file placed before this Court) on its own merits and dispose of the same in accordance with law as expeditiously as possible and in any event, within a period of eight weeks from the date of receipt of a copy of this order.

9. It is made clear that all contentions raised in the instant writ petition are left open and no opinion or view is being expressed by this Court on the merits of the matter. Be that as it may, disposal of writ petitioner's representation in the aforesaid manner within the aforesaid time frame shall be communicated by the office of the second respondent to the writ petitioner under due acknowledgement within seven (7) working days from the date of disposal.

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

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)



To

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+1 CC to SPL GP (SR-85035[F] dated 04/09/2019)

+1 CC to Mr.S. VAIGUNTH, Advocate (SR-85068[F] dated 04/09/2019)

W.P(MD) No.19164 of 2019
03.09.2019

ps

MK (18.09.2019) 3P 7C