



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P (MD)No.19469 of 2019

WEB COPY

Palanivel Raj

... Petitioner

vs.

1.State through

The Chief Secretary,
Government of Tamil Nadu,
St.George Fort, Chennai-600 009.

2.The Additional Chief Secretary,

Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
St.George Fort, Chennai-600 009.

3.The Director,

Directorate of Rural Development and Panchayat Raj
Department, Panagal Building, Saidapettai,
Chennai-600 015.

4.The District Collector,

O/o. The District Collector,
Collectorate, Korampallam,
Thoothukudi District.

5.The Block Development Officer,

O/o. Rural Development and Panchayat Raj Department,
Panchayat Union, Vilathikulam, Thoothukudi District.

6.The Inspector of Police,

Sankaralingapuram Police Station,
Thoothukudi District.

(In Crime No.76 of 2018)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to pay compensation to the petitioner for the death of his son Late.Palanikumar (Aged 23) on 19.12.2018 on the basis of the petitioner's representations dated 22.01.2019.

For Petitioner

: Mr.B.N.Raja Mohamed

For Respondents

: Mr.Aayiram K.Selvakumar
Additional Government Pleader



ORDER

Mr.P.B.N.Raja Mohamed, learned counsel on record for writ petitioner is before this Court.

2. Mr.Ayiram K.Selvakumar, learned Additional Government Pleader, accepts notice on behalf of all six respondents.

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 22.01.2019 wherein the writ petitioner has sought compensation for death of his son. The deceased ie., writ petitioner's son died on 19.12.2018 when stones collapsed on him while spraying insecticide is learned writ petitioner counsel's say.

5. Notwithstanding several averments made in the affidavit filed in support of instant 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 first respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 22.01.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation dated 22.01.2019 made by the writ petitioner (page Nos.8 to 22 of the typed set of papers forming part of the case file).

7. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

8. The aforesaid representation dated 22.01.2019 shall be disposed of by the first respondent on its own merits and 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.The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner under due acknowledgement within seven working days from the completion of aforesaid exercise.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

Tsg

To

The Chief Secretary,
Government of Tamil Nadu,
St.George Fort, Chennai-600 009.

2.The Additional Chief Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
St.George Fort, Chennai-600 009.

3.The Director,
Directorate of Rural Development and Panchayat Raj
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O/o. The District Collector,
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5.The Block Development Officer,
O/o. Rural Development and Panchayat Raj Department,
Panchayat Union, Vilathikulam, Thoothukudi District.



6.The Inspector of Police,
Sankaralingapuram Police Station, Thoothukudi District.

+1 CC to M/s.GP (SR-86136[F] dated 10/09/2019)

+1 CC to M/s.B.N.RAJAMOHAMED, Advocate (SR-86411[F] dated
12/09/2019)

W.P(MD)No.19469 of 2019
09.09.2019

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