



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.(MD) No.23888 of 2019

WEB COPY

1. S.Arunkumar
2. S.Sivakumar

: Petitioners

Vs

1. The District Collector
Madurai District Collectorate
Madurai
2. The Revenue Divisional Officer
Madurai Revenue Division
Madurai District
3. The Thasildhar
Vadipatty Taluk
Madurai District

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to disburse the claim amount Rs.2 Lakhs as per Section 161 (2) (a) of Motor Vehicle Amendment Act 2019 for petitioner's father C.Sakthivel's death by hit & run accident dated 18.08.2013 based on the reminder representation made by the 1st petitioner dated 27.11.2017 to the 1st respondent as per the direction of Chief Minister's Special Cell in Vide No.Na.Ka.4161-17E2 dated 31.08.2017.

For Petitioners : M/s.P.Murughadasan
For Respondents : Ms.J.Padmavathi Devi
Special Government Pleader

O R D E R

This Writ Petition is filed by the petitioners to direct the respondents 1 to 3 to disburse the claim amount of Rs.2 Lakhs as per Section 161 (2) (a) of Motor Vehicle Amendment Act 2019 for the death of their father by hit and run accident, occurred on 18.08.2013, based on the reminder representation made by the 1st petitioner dated 27.11.2017 to the 1st respondent as per the direction of the Chief Minister's Special Cell in No.Na.Ka.4161-17E2 dated 31.08.2017.

2. Heard both sides and perused the documents available on record.

<https://hcservices.ecourts.gov.in/hcservices/>



3. On a perusal of the documents, it is seen that though the mother of the petitioners had given several petitions to the District Collector's Office to receive the Government Solatium fund, she could not get it. Subsequently, the petitioners' mother also died in the year 2015. Now, the two sons, who are the petitioners herein as legal heirs of deceased parents have filed this Writ petition demanding the payment of the above said amount.

4. The learned counsel for the petitioners insisted that they are entitled for Rs.2 Lakhs as compensation, based on the amended provision of Section 161 (2) (a) of the Motor Vehicle Amendment Act 2019, in respect to the death of any person resulting from hit and run motor accident, or such higher amount as may be prescribed by the Central Government.

5. Per contra, the learned Special Government Pleader appearing for the respondents submitted that even in the month of August 2019, a sum of Rs.50,000/- was offered in the form of Cheque to the petitioners, which was refused to receive by them, as they are demanding the enhanced amount. Further, it is stated that the petitioners are entitled to only Rs.50,000/- as per G.O.(Ms) No.49 dated 09.01.2012, which is the Government Order, issued prior to the date of accident.

6. Admittedly, the date of death of the petitioners' father is 18.08.2013, whereas the amendment came into effect only on 09.08.2019. Hence, it is needless to say that the petitioners are entitled to only Rs.50,000/- as compensation, as per G.O.(Ms) No.49 dated 09.01.2012.

7. Accordingly, a fresh cheque of State Bank of India bearing No.692223 dated 04.12.2019 for Rs.50,000/- drawn in favour of the 1st petitioner was brought to this Court today and the same was handed over to the petitioners. Moreover, necessary acknowledgment to that effect also obtained from the petitioners in the open Court itself.

8. In view of the above, the Writ Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

vrn

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The District Collector
Madurai District Collectorate
Madurai

2. The Revenue Divisional Officer
Madurai Revenue Division
Madurai District

3. The Thasildhar
Vadipatty Taluk
Madurai District

+2 CC to Mr.P.MURUGHADASAN, Advocate (SR-103648[F] dated
05/12/2019)

+1 CC to SPL GP (SR-103831[F] dated 06/12/2019)

W.P. (MD) No.23888 of 2019

05.12.2019

MK (26.12.2019) 3P 4C