



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.07.2020

Pronounced on : 20.07.2020

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7023 of 2020

Suganthi

: Petitioner

Vs.

1.The Member Secretary,
Tamil Nadu State Legal Services Authority,
Chennai - 600 104.

2.The District Collector,
Madurai District,
Madurai - 625 020.

3.The Superintendent of Police,
Madurai District,
Madurai - 625 007.

4.The Inspector of Police,
Melur Police Station,
Melur, Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, directing the first and second respondents herein to disburse the award amount of Rs.5,00,000/- to the petitioner as compensation passed by the Madurai District Legal Services Authority, Madurai in VCOP No.13 of 2018, dated 22.10.2018, within a stipulated time fixed by this Court.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.K.K.Ramakrishnan,
2 to 4 Additional Public Prosecutor

ORDER

The petitioner a victim in Crime No.1039 of 2016 on the file of the Melur Police Station, Madurai District filed this petition for a mandamus to the first and second respondents to disburse the award



amount of Rupees Five Lakh ordered as compensation to the petitioner by the District Legal Services Authority, Madurai in VCOP No.13 of 2018, dated 22.10.2018 within a stipulated time fixed by this Court.

2. According to the petitioner, the petitioner's husband was murdered in the year 2016 and therefore, it is the petitioner, who is taking care of her children and the mother of the deceased husband. The petitioner is surviving with one kidney. She is running her life with a meagre income from a petty shop and her children are studying in CSI Boarding School at Tuticorin and the School Management has also ordered to take back her children. Under such circumstances, she filed an application before the District Legal Services Authority, Madurai to grant compensation as per the Compensation Scheme for Women/Survivors of Sexual Assault/ other Crimes - 2018. The District Legal Services Authority, Madurai by order dated 22.10.2018 passed an award of Rupees Five Lakh to the petitioner. Though the award was passed on 22.10.2018 itself, the said award amount has not been disbursed so far.

3. In this connection, the District Legal Services Authority, Madurai by its letter in M.D.L.S.A.No.3895 of 2018, dated 14.12.2018 forwarded the order of the District Legal Services Authority passed in VCOP.No.13 of 2018, to the District Collector and District Magistrate, Madurai for providing compensation to the victim/petitioner. The District Collector and District Magistrate, Madurai by his letter dated 09.03.2020, in ROC.No.C3/46699/2018 has forwarded the same to the first respondent / Member Secretary, Tamil Nadu State Legal Services Authority, Chennai.

4. The grievance of the petitioner is that even though the award has been passed as early as on 25.01.2018, the amount has not been disbursed so far.

5. Heard Mr.B.Anandhan, learned Counsel for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State and also perused the materials placed on record.

6. Compensation Scheme for Women / Survivors of Sexual Assault/ other Crimes - 2018, has been formulated to provide compensation to the women victim or her dependant who have suffered loss or injury as a result of an offence and who require rehabilitation. In this case, the petitioner has lost his husband in an offence has not yet been paid the compensation ordered on 22.10.2018.

7. It would be appropriate to refer to the procedure for grant of compensation under the Scheme, which is extracted hereunder:

"9. PROCEDURE FOR GRANT OF COMPENSATION—

(1) *Wherever, a recommendation is made by the court*

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for compensation under sub-sections (2) and/or (3) of Section 357A of the Code, or an application is made by any victim or her dependent(s), under sub-section (4) of Section 357A of the Code, to the State Legal Services Authority or District Legal Services Authority, for interim compensation it shall prima-facie satisfy itself qua compensation needs and identity of the victim. As regards the final compensation, it shall examine the case and verify the contents of the claim with respect to the loss/injury and rehabilitation needs as a result of the crime and may also call for any other relevant information necessary for deciding the claim.

Provided that in deserving cases and in all acid attack cases, at any time after commission of the offence, Secretary, SLSA or Secretary, DLSA may suo moto or after preliminary verification of the facts proceed to grant interim relief as may be required in the circumstances of each case.

(2) The inquiry as contemplated under sub-section (5) of Section 357A of the Code, shall be completed expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim/petition or recommendation:

Provided that in cases of acid attack an amount of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of DLSA. The order granting interim compensation shall be passed by DLSA within 7 days of the matter being brought to its notice and the SLSA shall pay the compensation within 8 days of passing of the order. Thereafter, an amount of Rs. 2 lakhs shall be paid to the victim as expeditiously as possible and positively within two months of the first payment*

Provided further that the victim may also be paid such further amount as is admissible under this Scheme.

(3) After consideration of the matter, the SLSA or DLSA, as the case may be, upon its satisfaction, shall decide the quantum of compensation to be awarded to the victim or her dependent(s) taking into account the factors enumerated in Clause 8 of the Scheme, as per schedule appended to this chapter. However, in deserving cases, for reasons to be recorded, the upper limit may be exceeded.

Moreover, in case the victim is minor, the limit of compensation shall be deemed to be 50% higher than the amount mentioned in the Schedule appended to this chapter."



8.Now the matter is pending with the first respondent, who has to disburse the compensation amount. It appears that there is a delay from the second respondent, District Collector and District Magistrate, Madurai in forwarding the award to the first respondent. It is only by communication dated 09.03.2020, the award was communicated to the first respondent. Even after three months, the award amount has not been disbursed so far, which made the petitioner to approach this Court once again by way of this writ petition. The procedure for grant of compensation prescribes the period for grant of compensation that it shall be completed as expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim/petition or recommendation. But, it in this case already three months are over.

9.The First respondent is bound by the orders of the District Legal Services Authority, Madurai and once the award has been passed, it is the duty of the first respondent to disburse the amount as per the Act. Delaying the disbursement of the compensation amount and driving the victims to file litigation to get compensation amount has to be avoided. The delay on the part of the first respondent in disbursing the compensation amount would defeat the very object of the scheme.

10.In view of the above discussion, this writ petition is allowed with a direction to the first respondent to disburse the compensation award amount as early as possible, not later than two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Member Secretary,
Tamil Nadu State Legal Services Authority,
Chennai - 600 104.

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



2.The District Collector,
Madurai District,
Madurai - 625 020.

3.The Superintendent of Police,
Madurai District,
Madurai - 625 007.

4.The Inspector of Police,
Melur Police Station,
Melur, Madurai District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) No. 7023 of 2020

20.07.2020

SPU (27.07.2020) 5P 6C