



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2020

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.10243 of 2020

Selvakani

... Petitioner

Vs.

1.The District Collector  
Thoothukudi,  
Thoothukudi District.

2.The District Adi Dravidar and Tribal Welfare Officer,  
Thoothukudi,  
Thoothukudi District.

3.The Inspector of Police  
Tiruchendur Temple Police Station,  
Tuticorin District.  
(Crime No.27/2020)

4.Thaiivakani

... Respondents

(Fourth respondent *suo-motu* impleaded  
vide Court order, dated 27.08.2020)

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to take action to deposit the Compensation amount of Rs.8 25 000/- in the name of the petitioner's minor grandsons namely, Tamilvalavan, aged Two years and Varsan, aged One year, in a long term fixed deposit.

For Petitioner : Mr.R.J.Karthick

For Respondents 1 to 3 : Mr.M.Rajarajan

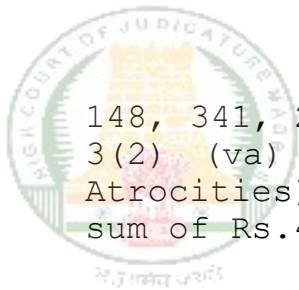
Additional Government Pleader

For 4th Respondent : No Appearance

### **O R D E R**

Heard, the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3. Though the fourth respondent's name is printed in the cause list, she has not chosen to enter appearance.

2.The petitioner is belongs to Schedule Caste community. The petitioner's son Rajadurai, got married to the fourth respondent Thaiivakani. The petitioner's son was murdered and in this regard, Crime No.27 of 2020 was registered on the file of the third respondent for the offence punishable under Sections 188, 271, 147,



148, 341, 294(b), 323, 307 of IPC and Section 3(1) (r), 3(1) (s) and 3(2) (va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 2015, the administration had sanctioned a sum of Rs.4,12,500/- towards part of compensation.

3.The petitioner's apprehension was that the entire compensation amount is likely to be disbursed to the fourth respondent. Since the fourth respondent is very young and they are planning to get her remarried, the petitioner as a mother of the deceased son felt that the interest of the grand children will be adversely affected. The petitioner is also willing to give up her share in the compensation. With this apprehension in mind, this writ petition was filed.

4.When the matter was taken up for hearing, the learned Additional Government Pleader, produced a copy of the proceedings of the District Collector, Thoothukudi District, issued vide Na.Ka. No.௨௩6/9828/2020, dated 07.08.2020. It is seen from the said proceedings that the fourth respondent had been disbursed with a sum of Rs.1,03,125/- had been deposited in the name of the each of the minor children namely, Tamilvalavan and Varsan. Since the deposit is in the name of the Minor Children, the fourth respondent cannot obviously withdraw the same. She can only withdraw the periodical interest.

5.The petitioner had also been sanctioned a sum of Rs.1,03,125/-. It is for the petitioner to deal with the said sum as she deems fit. I am certain that the very same approach will be adopted, when the remaining part of the compensation is also disbursed. The murdered Rajadurai has four surviving legal heirs namely, wife, two minor children and the mother namely, the writ petitioner herein. The fourth respondent / wife can take only her share of the compensation. The shares in the name of the minor children will definitely be put in a fixed deposit and the same can be withdrawn by the minor children after they attain majority.

6.Since, the first respondent has acted in a most appropriate manner, no further orders are necessary.

7.This Writ Petition is disposed of on these terms. No costs.

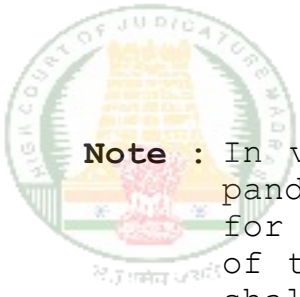
Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



**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 District Collector  
Thoothukudi,  
Thoothukudi District.
- 2.The District Adi Dravidar and Tribal Welfare Officer,  
Thoothukudi,  
Thoothukudi District.
- 3.The Inspector of Police  
Tiruchendur Temple Police Station,  
Tuticorin District.

+1 CC to SPL GP ( SR-17888[F] dated 23/09/2020 )

**W.P(MD)No.10243 of 2020**

**21.09.2020**

VB (05.10.2020) 3P 5C