



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **02.09.2020**

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P. (MD)No.10672 of 2020

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K.Thavamani

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
The Secretary to Government of Tamil Nadu,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.
 - 2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai, Mylapore, Chennai-600 004.
 - 3.The Secretary,
Tamil Nadu State Legal Services Authority,
High Court Buildings, Chennai-600 104.
 - 4.The Secretary,
The District Legal Services Authority,
District Court Buildings, Madurai-625 020.
 - 5.The District Collector,
Office of the District Collector, Madurai District.
 - 6.The Superintendent of Police,
Office of the Superintendent of Police, Madurai District.
 - 7.The Special Deputy Collector,
Social Welfare Scheme, Office of the District Collector,
Madurai.
 - 8.The Special Tahsildar (Social Welfare Scheme),
Office of the Special Tahsildar,
Madurai North Taluk, Madurai.
- ... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents to take immediate action to pay fair and reasonable amount of compensation under "Chief Minister Public Relief Fund" or the Tamil Nadu Victim Compensation Scheme 2013, within the time stipulated by this Court.



For Petitioner
For Respondents

: Mr.R.Alagumani
: Mr.S.Chandrasekar,
Additional Public Prosecutor

O R D E R

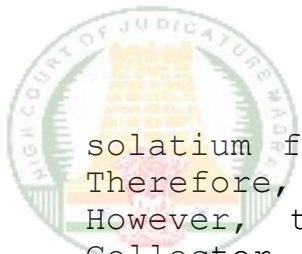
WEB COPY

This writ petition has been filed praying for issuance of Writ of Mandamus directing the respondents to take immediate action to pay fair and reasonable amount of compensation under "Chief Minister Public Relief Fund" or the Tamil Nadu Victim Compensation Scheme 2013, within the time stipulated by this Court.

2. The grievance of the petitioner is that on 15.09.2018, at about 11.15 a.m., one Periyakaruppu @ Aakaash, aged about 12 years, who is the son of the petitioner herein, while he was taking bath in the Vaigai river, was swept away by the force of water. The Fire Service Department attached with Madurai District found the dead body of the petitioner's son and recovered the dead body of the deceased. Eventually, the First Information Report was registered in the Koodal Pudhur Police Station in Crime No.821 of 2018 in respect of the death of his son. Though the petitioner is having all the necessary documents to fix solatium, which was given by the Chief Minister from the CM relief fund, on 19.11.2019, the Village Administrative Officer attached with the particular locality, verified the documents and found discrepancies in respect of the name of the petitioner's son. In this regard, on 24.09.2018, the petitioner sent a representation to the District Collector and thereupon, he got a reply from the District Collector on 25.11.2018 in Letter No.N.Ka.No.44883/2018/M1. In the said reply given by the District Collector, the petitioner was directed to produce all the relevant documents, which are necessary for fixing the solatium. Further on 25.02.2020, the District Collector sent a reply to the request made by the petitioner. The petitioner had further issued one another communication, in which, it was stated that the documents produced by the petitioner is having some discrepancies. However, the eighth respondent is directed to rectify the correctness in the manner prescribed in Na.Ka.No.44833/2018/M1 dated 15.11.2018 and 25.06.2019. Subsequent to that, the District Collector has not considered the representation given by the petitioner. Hence, it is necessary to issue a direction to the District Collector, for redressing the grievance addressed by the petitioner.

3. Per contra, the learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the representation given by the petitioner is under the consideration of the District Collector, Madurai District.

4. Upon considering the submissions made on either side, the only grievance of the petitioner is that he has to grant



solatium for the death of his son viz., Periyakaruppu @ Aakaash. Therefore, the request made by the petitioner is reasonable one. However, the same was under the consideration of the District Collector. Though the said circumstances is in the favour of the petitioner, considering the fact that the alleged incident is happened in 2018, it would appropriate to issue a direction to the District Collector, Madurai District, to consider the representation given by the petitioner, within a stipulated period.

5. Accordingly, the Writ Petition is allowed with a direction to the District Collector, Madurai District, to consider and pass orders on merits and in accordance with law, on the representation given by the petitioner dated 14.08.2020, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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 Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai, Mylapore, Chennai-600 004.
- 3.The Secretary,
Tamil Nadu State Legal Services Authority,
High Court Buildings, Chennai-600 104.



4.The Secretary,
The District Legal Services Authority,
District Court Buildings, Madurai-625 020.

5.The District Collector,
Office of the District Collector, Madurai District.

6.The Superintendent of Police,
Office of the Superintendent of Police, Madurai District.

7.The Special Deputy Collector,
Social Welfare Scheme,
Office of the District Collector, Madurai.

8.The Special Tahsildar (Social Welfare Scheme),
Office of the Special Tahsildar,
Madurai North Taluk, Madurai.

Order made in
W.P. (MD) No.10672 of 2020
02.09.2020

VB (10.09.2020) 4P 9C