



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.13775 of 2020

(Through the Video Conferencing)

WEB COPY

Annasundari

... Petitioner

Vs

1. The District Collector,
Tuticorin District, Tuticorin.

2. The Tahsildar,
Eral Taluk Office,
Tuticorin District.

3. The Inspector of Police,
Alwarthirunagari Police Station,
Tuticorin District.
In crime No.26 of 2018

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the compensation amount from the Chief Minister's Relief Fund as on the basis of the petitioner's representation dated 20.03.2018.

For Petitioner : Mr.M.Veilkani Raju
For Respondents : Mrs.M.Rajeswari
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to pay the compensation amount from the Chief Minister's Relief Fund based on the petitioner's representation dated 20.03.2018.

2. Heard Mr.M.Veilkani Raju, learned counsel for the petitioner and Mrs.M.Rajeswari, learned Government Advocate for the respondents.

3. It is the case of the petitioner that her daughter did not return home after attending school on 10.02.2018 and on investigation, thereafter, it was found that while taking bath at the Kadambakulam Water Tank, she drowned in the said tank on that date and died. It is also the case of the petitioner that the third respondent has also registered a case in Crime No.26 of 2018, dated 10.02.2018 for the offence under Section 174 Cr.P.C. The petitioner has made a request to the first respondent seeking compensation from



the Chief Minister's Relief Fund on 20.03.2018 for the death of her daughter.

4. It is also the case of the petitioner that a copy of the representation was also sent to the second and third respondents. According to her, after receiving the said representation dated 20.03.2018, the third respondent has also conducted an enquiry and sent a reply to the first respondent on 04.02.2019. It is also the case of the petitioner that the first respondent has also conducted a detailed enquiry and sent a proposal to the Chief Minister's Relief Fund (Special Cell) and the same was received on 19.06.2020. However, according to the petitioner, she has not received compensation till date. In such circumstances, she has filed this Writ Petition.

5. The learned Government Advocate for the respondents would submit that the first respondent is prepared to conclude the enquiry and pass final orders on the petitioner's representation dated 10.02.2018 seeking for compensation for the death of her daughter, due to her drowning in the Kadambakulam water Tank. In this Writ Petition, the petitioner has sought for issuing a positive direction for payment of compensation under the Chief Minister's Relief Fund for the death of her daughter. Such a positive direction cannot be issued by this Court and it is for the respondents to consider the representation of the petitioner on merits and in accordance with law.

6. Since the first respondent has not passed any final order in the petitioner's representation, the same will have to be considered by him on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 20.03.2018 seeking for compensation for the death of her daughter due to drowning at the Kadambakulam water tank from the Chief Minister's Relief Fund and pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

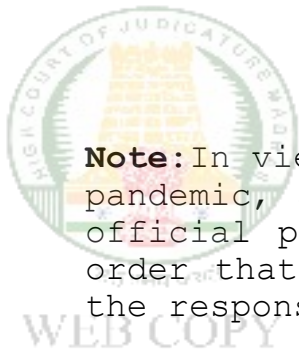
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/ /2021

Sub Assistant Registrar(CS)

tsg

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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,
Tuticorin District, Tuticorin.
2. The Tahsildar,
Eral Taluk Office,
Tuticorin District.
3. The Inspector of Police,
Alwarthirunagari Police Station,
Tuticorin District.

Order made in
W.P. (MD) No.13775 of 2020
Dated :
16.12.2020

SRK(CO)
CS(06.01.2021) 3P 4C