



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.18619 of 2019

Hawa Fathima

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The District Legal Service Authority,
District Court Buildings,
Ramanathapuram.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the second respondent to grant victim compensation to the petitioner in the light of G.O.(MS)No.1055 (Police XII) dated 30.11.2013 based on the petitioner's representation dated 23.07.2019 within the period stipulated by this Court.

For Petitioner	: Ms.P.Krishnaveni
For R - 1	: Mr.M.Pandiarajan
	Additional Government Pleader

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, to direct the second respondent to grant victim compensation to the petitioner in the light of G.O.(MS) No.1055 (Police XII) dated 30.11.2013 based on the petitioner's representation dated 23.07.2019 within the period stipulated by this Court.

2.When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the first respondent refers to para 9 of the Compensation Schemes for Women Victims / Survivors of Sexual assault / Other Crimes - 2018, in which it is stated as follows:

"(1) whenever a recommendation is made by the court under sub-Sections (2) and/or of Section 357-A of the Code, or an application is made by any victim or her dependent(s), under sub-section (4) of said Section 357-A of the Code, to the State Legal



Services Authority or District Legal Services Authority, for interim compensation it shall prima facie satisfy 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 acid attack cases, at any time after commission of the offence, Secretary, SLSA or Secretary, DLSA may suo motu 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."

3.The learned Additional Government Pleader submitted that as per the said Scheme, no recommendation has been made by the Principal District and Sessions Judge, Ramanathapuram and therefore, the petitioner's claim cannot be considered by the Government and she is not entitled for any compensation.

4.In view of the above statement made by the learned Additional Government Pleader that the petitioner is not entitled for any compensation as prayed for, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

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.



1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The District Legal Service Authority,
District Court Buildings,
Ramanathapuram.

+1 CC to M/s.GP (SR-13899[F] dated 12/08/2020)

Order made in
W.P. (MD) No.18619 of 2019
Dated:07.08.2020

ma (CO)
TR(04.09.2020) 3P 4C