



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD)No.20817 of 2019

1.K.Chandrakala
2.Archana
3.Aruna
4.Vishnu Prasath : Petitioners

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.
2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
3.The Tahsildar,
Vizhavancode Taluk,
Kanyakumari District.
4.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant the compensation/solatum under the hit and run motor vehicles accident scheme for the death of the petitioner's husband.

For Petitioner : Mr.N.Sivakumar

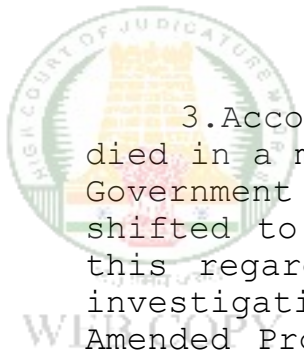
For Respondents : Mr.V.Anand
Government Advocate

ORDER

The writ petition is filed to direct the respondents to grant the compensation/solatum under the hit and run motor vehicles accident scheme for the death of the first petitioner's husband.

2.Heard Mr.N.Sivakumar, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

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



3. According to the petitioners, the first petitioner's husband died in a motor accident on 09.05.2016. Immediately, he was taken to Government Hospital at Asaripallam. For further treatment, he was shifted to KIMS Hospital, wherein he succumbed to the injuries. In this regard, the fourth respondent has registered a case and the investigation is pending. At this juncture, under Section 161 of the Amended Provisions of Motor Vehicle Act, the Central Government as well as the State Government have allotted certain funds by creating solatium compensation scheme for the persons, who died in hit and run motor accident as well as for the persons, who have grievous sustained injuries in hit and run motor accident cases. In this regard, the first petitioner has made several representations to the first respondent. Since no action has been taken, the petitioner is before this Court.

4. Today when the matter is taken up for hearing, the Sub-collector has addressed a letter dated 14.07.2020 to the learned Government Advocate, wherein it has been stated as follows:

"It is to inform that Tmt.K.Chandra Kala, W/o.Krishnan Asari(late) has filed a writ petition in W.P.(MD).No.208187 of 2019 before the Madurai Bench of Madras High Court to grant the compensation/ solatium under the hit and run motor vehicles accident scheme for the death of her husband. In this regard, vide this office letted A3/4378/2019, dated 08.06.2020, the writ petitioner has been instructed to furnish Bank Account details, family card, Aadhar card and photos. Accordingly, the copies of the same were received and kept ready for providing compensation. Soon after the receipt of the allotment from the Government, compensation will be provided. This is for kind information."

5. The learned counsel appearing for the petitioners requested before this Court that appropriate direction may be issued to the respondents to allot the said amount within the stipulated time.

6. In the light of the submissions made on either side, this Writ petition stands dismissed. However, liberty is given to the petitioner to make a representation to the first respondent and Government and on receipt of the same, the first respondent shall take effective steps to sanction the said amount from the Government. 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,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Tahsildar,
Vizhavancode Taluk,
Kanyakumari District.

4.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

+1 CC to M/s.N. SIVAKUMAR, Advocate (SR-13358[F] dated 30/07/2020)

+1 CC to M/s.Special Government Pleader (SR-13473[F] dated
31/07/2020)

W.P. (MD) No.20817 of 2019
29.07.2020

Ns

SDS (18.08.2020) 3P-7C