



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1997 of 2019

Paramasivan,

..Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Home Department,
Fort St.George,
Chennai-600 009.

2. The Principal,
Adhiparasakthi College of Pharmacy,
Melmaruvathur,
Cheyyur Taluk,
Kancheepuram District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 11.12.2018 in accordance with law by granting a compensation of Rs.50 lakhs to the petitioner to secure the ends of Justice.

For Petitioner : Mr. R. Sankarasubbu

For 1st Respondent : Mr. K. Karthikeyan for R1

For 2nd Respondent : No Appearance.

O R D E R

The petitioner has filed this petition under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 11.12.2018 in accordance with law by granting a compensation of Rs.50 lakhs to the petitioner to secure the ends of Justice.

2. The case of the petitioner is that his 20 years old son while pursuing Pharmacy Course, III year in 2nd Respondent College, was tortured and murdered by the 2nd Respondent on



19.06.2017 and the very next day, his friend lodged a complaint against the 2nd Respondent in Crime No.489 of 2017 on the file of the Inspector of Police, Melmaruvathur Police Station. After the death of the petitioner's son, he was taken for Postmortem and the same was done by Class IV Servants instead of Forensic Experts. Therefore the petitioner sought for transfer of investigation to CBCID, Kancheepuram and the same is pending. Thereafter, the petitioner made a representation on 11.12.2018 to the Respondents herein to grant compensation of Rs.50 lakhs towards the death of his son, however, till date, no action has been taken on his representation. Hence, the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 11.12.2018 and pass orders on the same within a particular time frame fixed by this Court .

4. The learned Government Advocate submits that the 1st Respondent is not competent to take up the matter between the petitioner and the 2nd Respondent with regard to the payment of compensation and this Court may issue direction to the petitioner to approach the competent Authority to work out his remedy.

5. In view of the aforesaid submissions, this Court without going into the merits of the case directs the petitioner to file an appropriate petition before the District Legal Services Authority, Kancheepuram with regard to the payment of compensation. On such petition being filed, the District Legal Services Authority shall take up the matter in accordance with law forthwith. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

6. Registry is directed to communicate the order copy to the Secretary, District Services Authority, Kancheepuram.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

NHS



To

The Secretary,
Home Department
Fort St.George,
Chennai - 600 009.

Copy To

The Secretary,
District Services Authority,
Kancheepuram.

+1cc to the Government Pleader, S.R.No.63498

W.P.No.1997 of 2019

PA(CO)
RGA(27/12/2021)