

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.31936 of 2012

K.Sasikumar

...Petitioner

Vs

1.The District Collector,
Nagapattinam District.

2.The Tahsildar,
Vedaranyam Taluk,
Nagapattinam District.

3.Elangovan
(Impleaded as per order dated
03.08.2020made in MP.No.1/2012) ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the respondents to take necessary action to provide solatium to the petitioner for death of his son master Tamilmani.

For petitioner	...	Mr.P.Vijendran
For respondents 1 & 2	...	Mr.V.Shanmuga Sundar, Special Government Pleader
For respondent 3	...	Mr.V.G.Suresh kumar

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 and 2 to take necessary action to provide solatium to the petitioner for the death of his son Master Tamilmani on 01.09.2011.

2. According to the petitioner, his son died after he falling in a pit in a land belonging to A/M Vaitheeswaran Temple, which land is under the possession of the third respondent. On account of the death, the petitioner has sought for compensation in this writ petition against the respondents 1 & 2.

3. The respondents 1 & 2 have also filed their counter denying their liability. They have also stated in their counter that there is no provision for sanction of solatium amount in the case of accidental death of children and the amount of Rs.15,000/- which was paid to the petitioner earlier on 13.11.2013 was from and out of Chief Minister's Relief Fund. They have also denied their liability to pay any further sums to the petitioner for the death of his son.

4. The third respondent has also filed his counter denying his liability on the ground that the land belongs to the temple and is not owned by him. According to him, he is no way responsible for the death of the petitioner's son and therefore, he is not liable to pay any compensation.

5. This Court after hearing the arguments of the petitioner's counsel, pointed out to him that there are disputed questions of fact involved. Learned counsel for the petitioner agreed with the same and sought liberty for the petitioner to approach the civil court. Accordingly since there are disputed questions of fact involved, this writ petition is disposed of. However, liberty is granted to the petitioner to approach the civil court if so advised to seek compensation for the death of his son. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Nagapattinam District.

2.The Tahsildar,
Vedaranyam Taluk,
Nagapattinam District.

+1cc to M/s.P.Vijendran, Advocate, S.R.No.6563

+1cc to M/s.V.G.Suresh Kumar, Advocate, S.R.No.6456

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SSN(CO)
KKV/22/02/2021