

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON`BLE MR JUSTICE S.M. SUBRAMANIAM

WP NOs.35028 OF 2012,
30655 OF 2013 AND 8385 OF 2014

1.MEENAKSHI VENKATATHRI ..PETITIONERS IN WP.8385 OF 2014

1.V.SANKAR

2.MINOR S.MITHUN RAJ

3.MINOR THARUN RAJ,

[MINOR SONS 2 & 3 ARE REP.BY THEIR FATHER
AND NATURAL GUARDIAN V.SANKAR] ..PETITIONERS IN WP.30655 OF 2013

1 A.SARDHAR ..PETITIONERS IN WP.35028 OF 2012

Vs

1.THE COMMISSIONER

MUNICIPAL CORPORATION OF CHENNAI,
RIPPON BUILDINGS, PERIYAR SALAI, CHENNAI

.. 1ST RESPONDENT IN WP.NO.8385 OF 2014

2.THE STATE OF TAMILNADU

REP BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
FORT ST. GEORGE, CHENNAI 9

.. 2ND RESPONDENT IN WP.NO.8385 OF 2014

3.THE PRINCIPAL SECRETARY TO GOVERNMENT,

REVENUE AND DISASTER MANAGEMENT DEPARTMEMNT,
GOVERNMENT OF TAMIL NADU,
FORT ST. GEORGE, CHENNAI - 600 009.

[R3 IN WP.NO.8385 OF 2014 & WP.NO.30655 OF 2013
AND R7 IN WP.NO.35028 OF 2012
ARE SUO MOTU IMPEADED VIDE ORDER OF THIS COURT
DATED 29.10.2021 IN WP.NO.8385 OF 2014
& WP.NO.30655 OF 2013 AND IN WP.NO.35028 OF 2012]

.. 3RD RESPONDENT IN WP.NO.8385 OF 2014,
WP.NO.30655 OF 2013 OF
7TH RESPONDENT IN WP.NO.35028 OF 2012

- 4.THE STATE OF TAMILNADU
REP.BY ITS SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPT.,
SECRETARIAT, CHENNAI-9 .. 1ST RESPONDENT IN WP.NO.30655 OF 2013
- 5.THE COMMISSIONER
CORPORATION OF CHENNAI, RIPPON BUILDINGS,
CHENNAI-3 .. 2ND RESPONDENT IN WP.NO.30655 OF 2013
- 6.THE CHIEF SECRETARY,
STATE OF TAMILNADU,
FORT ST. GEORGE, CHENNAI-9.
- 7.THE SECRETARY,
EDUCATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.
- 8.THE DIRECTOR,
DIRECTORATE OF SCHOOL EDUCATION,
NUNGAMBAKKAM, CHENNAI-6.
- 9.THE HEAD MASTER,
KADATHUR GOVT. HIGHER SECONDARY SCHOOL,
KADATHUR, DHARMAPURI DISTRICT.
- 10.T.SADHASIVAM (TEACHER)
- 11.MURUGAN, .. RESPONDENT 1 TO 6 IN W.P.NO.35028 OF 2012

Prayer in W.P.No.30655 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to pay the compensation for a sum of Rs.30,00,000/- to the petitioners together with the interest from the date of incident.

Prayer in W.P.No.35028 of 2012:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents herein to pay compensation of Rs.12 lakhs either jointly or separately to the petitioner's family for the murder of the petitioners beloved son namely Kader Patcha by the 6th respondent's son herein within his class room in the 4th respondent school, during school hours.

Prayer in W.P.No.8385 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying that in the Circumstances stated therein, and in the affidavit filed therewith the High Court will be pleased to issue of Writ of Mandamus, directing the respondents to compensate the petitioner for her loss and to ensure that in the future no such dereliction of duty takes place for the protection and safety of the public under its jurisdiction.

Order : These Writ petitions coming on for hearing on this day upon perusing the petitions and the affidavits filed in support thereof dated 29.10.2021 made in the above said WP's a and upon hearing the arguments of M/S.Sudha Ramalingam, Advocate for the petitioner, in W.P.NO.8385 of 2014, Mr.M.Sriram Advocate for the Petitioner, in W.P.NO.30655 of 2013, and Mr.S.Kolandasamy Advocate for the Petitioner, in W.P.NO.35028 of 2012, Mr.S.Silambanan Additional Advocate General II Assisted by M/s.B.Manimekalai for R1 in W.P.NO.8385 of 2014 and for R2 in W.P.No.35028 of 2012, Mr.V.Arun, Additional Advocate General V, Assisted by Mr.K.M.D.Muhilan Government Advocate for 2nd Respondent in W.P.NO.8385 of 2014 and 1st respondent in W.P.NO.30655 of 2013 Mr.C.Kathiravan Government Advocate for respondents 1 to 4 in W.P.NO.35028 of 2012, and the R5, R6 are not appearing in person or by an Advocate in W.P.No.35028 of 2012, the court made the following order:-

The learned Additional Advocate General made a submission that due to local body elections, the respective Principal Secretary to Government and the Head of the departments, who are all members of the committee, is unable to finalise the compensations, which are all to be fixed uniform. No doubt, many victims are waiting for such compensation from the Government and several writ petitions were disposed of subsequently awaiting the orders of the Government in this regard.

2.The learned Additional Advocate General further made a submission that on account of certain unavoidable reasons, the Government is not in a position to complete the process immediately and however, the learned Additional Advocate General ensured that the entire process will be completed within a period of twelve weeks and orders will be passed.

3. This Court made it clear that no further time can be sought for as the issues are of present and future importance directly affecting the public interest. Thus, as per the request of the respondents, twelve weeks time is granted finally enabling the Government to finalise the issues and pass appropriate orders.

4. Post this matter 'for reporting compliance' before this Court on 13.06.2022.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

RR/Svn

TO

1. THE CHIEF SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU, FORT ST. GEORGE,
SECRETARIAT,
CHENNAI - 600 009.
2. THE PRINCIPAL SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU,
FORT ST. GEORGE,
CHENNAI - 600 009.
- 3 . THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
FORT ST. GEORGE,
CHENNAI - 600 009.
4. THE SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU,
MUNICIPAL ADMINISTRATION AND
WATER SUPPLY DEPT.,
SECRETARIAT,
CHENNAI-600 009.
5. THE SECRETARY,
EDUCATION DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 600006.
6. THE COMMISSIONER,
MUNICIPAL CORPORATION OF
CHENNAI, RIPPON BUILDINGS,
PERIYAR SALAI,
CHENNAI.
7. THE DIRECTOR,
DIRECTORATE OF SCHOOL EDUCATION,
NUNGAMBAKKAM,
CHENNAI - 600006.
8. THE HEAD MASTER,
KADATHUR GOVT.
HIGHER SECONDARY SCHOOL,
KADATHUR,
DHARMAPURI DISTRICT.

9.THE COMMISSIONER, CORPORATION OF CHENNAI,
RIPPON BUILDINGS, CHENNAI-600 003.

COPY TO

1.GOVERNMENT PLEADER (WRIT)
HIGH COURT, MADRAS-104.

2.THE SECTION OFFICER,
WRIT SECTION, (POSTING)
HIGH COURT, MADRAS-104.

DATED:14/03/2022

ORDER

WP NOS.35028 OF 2012,
30655 OF 2013 AND 8385 OF
2014

Giving directions
etc., as stated within.

PM(CO)
SB(21/03/2022)