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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.36161 of 2015

and

M.P.No.1 of 2015

1 S. Premalatha  
W/o. A. Sathishkumar No.12 V.O.C. Nagar  
Extension 2nd Street Ranganathapuram Kongu  
main Road Tiruppur - 7

...Petitioner

Vs

1 The Secretary to Government  
Hindu Religious and Charitable Endowment  
Department Fort St. George  
Chennai - 600 009

2 The Commissioner  
Hindu Religious and Charitable Endowment  
Department No.119 Uthamar Gandhi Road  
Nungambakkam Chennai - 34

3 The District Collector  
Erode District Erode

4 The Executive Officer  
Hindu Religious and Charitable Endowment  
Department Chennimalai Malai Koil  
Chennimalai Perundurai Taluk Erode District

5 The Inspector of Police  
Chennimalai Police Station Chennimalai  
Perundurai Taluk Erode District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to sanction the compensation to the tune of Rs.50/- Lakhs to the petitioner and her child and for in-laws of the petitioner.

For Petitioner : Mr.C.Prakasam



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For Respondents : Mr.N.R.R.Arun Natarajan,  
Government Advocate - R1 to R4

Mr.TNC.Kaushik,  
Government Advocate - R5

## O R D E R

The petitioner has sought a mandamus directing the official respondents of the Hindu Religious and Charitable Endowments Department, arrayed as R1 and R2, District Collector as R3, The Executive Officer of the Chennimalai Malai Koil, Chennimalai Perundurai Taluk Erode District/R4 and the jurisdictional Inspector of Police as R5 to sanction compensation to the tune of Rs.50/- Lakhs to herself and her family.

2. It is the case of the petitioner that her husband, Sathish Kumar, herself and her child along with relatives had gone to the Chennimalai Malai Koil, Chennimalai Perundurai Taluk Erode District (temple/temple in question) on 12.07.2014 to attend the Kumbabhishekam there. In an unfortunate incident, her husband, while drinking water from a tap temporarily put up for public use, had been electrocuted and collapsed at the location. She would allege that there was no assistance whatsoever, extended by the Temple to attend to his transfer to a hospital, but this has been denied by the respondents.

3. An ambulance service had been summoned and on arrival, the petitioner was informed that since her husband has passed away on the spot, the service of the ambulance could not be availed. He was thus rushed to the hospital in a devotee's car, where he was declared dead. He was thereafter taken to a nearby Government Hospital through private ambulance where his demise was confirmed. An FIR in Crime No.161 of 2014 was registered and after conduct of post mortem, his body was handed over to the petitioner on 13.07.2014.

4. The petitioner has made a written representation on 09.04.2015 seeking compensation or employment on humanitarian basis and was given compensation of Rs.1.00 lakh from the Chief Ministers' Relief Fund. She now seeks additional compensation.

5. It is the case of the respondents that there was no negligence attributable to the temple authorities, as the



petitioner's husband had wandered into a restricted area where public entry was not permitted. For the act of permitting the petitioner's husband into an area that had been cordoned off, the authorities have suspended two of their staff members. Moreover, the details of insurance cover that had been obtained for the day of Kumbabishekam had been supplied to the petitioner, but nothing seems to have been done in this regard by the petitioner.

6. In the aforesaid circumstances, I am of the view that it will meet the ends of justice if I direct the Commissioner, arrayed as R2 to consider the representation of the petitioner dated 09.04.2015 after hearing her by issuing a notice, and pass orders thereupon within a period of six (6) weeks from today.

7. This Writ Petition is disposed with the aforesaid direction. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government  
Hindu Religious and Charitable Endowment  
Department Fort St. George  
Chennai - 600 009
- 2 The Commissioner  
Hindu Religious and Charitable Endowment  
Department No.119 Uthamar Gandhi Road  
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Chennimalai Perundurai Taluk Erode District



5

The Inspector of Police  
Chennimalai Police Station Chennimalai  
Perundurai Taluk Erode District

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+1cc to the Government Pleader, S.R.No.42042

+1cc to the Special Government Pleader, S.R.No.41957

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and  
M.P.No.1 of 2015

JPL (CO)  
SU (08/09/2021)