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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.5323 & 10056 of 2014
and
M.P.Nos 1 and 1 of 2014

WP No.5323 of 2014
B.Vijaya Bharathi

...Petitioner

Vs

1. The Chairman,
Tamil Nadu Tourism Development Corporation,
Wallajah Road,
Chennai - 2.

2. The Naval Officer-in-Charge,
Tamil Nadu & Puducherry,
Port Complex, Chennai - 600 009.

3. The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

4. The Secretary,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

5. The Director General of Police,
Kamarajar Salai, Chennai - 600 004.

6. Tradex Shipping Company Private Limited,
No.24, Bagavantham Street,
(Opp. To Thirumala Thirupathi Devesthanam)
T.Nagar,
Chennai - 600 017.

7. The United India Insurance Company Limited,
Large Corporate Cell,
Claims Department,
No.98/A, Dr. Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

...Respondents



(R7 impleaded vide Court order dated 02.01.19, made in WMP No.38932/18 in WP No.5323/14 by VBDJ)

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents for conducting the high level enquiry through the competent authority in respect of the suspicious death of the petitioners husband and another in the submarine INS VAAGLI on 27.1.2014 and also for providing compensation to the petitioner by considering the representation made by the petitioner dt. 5.2.2014.

For Petitioner : Mr.G.Saravana Kumar

For Respondents : Mr.R.Balaramesh (for R1)

Mr.K.Ramanamoorthy (for R2)
CGSC
Mr.K.M.D.Muhilan (for R5)
Govt. Advocate.
Mrs.Vasuki Ramanan (for R6)
Mr.Guruswaminathan (for R7)
for M/s.Nageswaran

WP No.10056 of 2014

M.Shanthi

Vs

...Petitioner

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

2. The Secretary,
Tourism and Culture Department,
Government of Tamilnadu,
Fort St. George,
Chennai - 600 009.

3. The Director General of Police,
Post Box No.601, Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

4. The Chairman cum Managing Director,
Tamilnadu Tourism Development Corporation,
No.2, Wallajah Road,
Chennai - 600 002.



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5. The Naval Officer-in-Charge,
Tamil Nadu & Puducherry,
Port Complex,
Chennai - 600 009.

6. The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

7. Tradex Shipping Company Private Limited,
No.24, Bagavantham Street,
(Opp. To Thirumala Thirupathi Deveasthanam)
T.Nagar,
Chennai - 600 017.

...Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents for conducting the high level enquiry through the competent authority in respect of the suspicious death of the petitioner's husband and another in the submarine INS VAAGLI on 27.1.2014 and also for providing compensation to the petitioner by considering the representation made by the petitioner dt. 5.3.2014.

For Petitioner : Mr.K.B.Vivekanandhan

For Respondents : Mr.K.M.D.Muhilan (for R1 to 3)
Govt. Advocate.
Mr.R.Balaramesh (for R4)
Mr.K.Ramanmoorthy, (for R5)
CGSC
Mrs.Vasuki Ramanan (for R7)

C O M M O N O R D E R

These writ petitions have been filed to direct the respondents for conducting the high level enquiry through the competent authority in respect of the suspicious death of the petitioners husband and another in the submarine INS VAAGLI on 27.1.2014 and also for providing compensation to the petitioner by considering the representation made by the petitioner dt. 5.2.2014.

2. The issues were already considered by the competent authorities and all appropriate actions were taken i.e. FIR was registered, investigation conducted and the investigating agency found that it was an accident occurred during the course of employment. Thus, the case registered was closed. The final report was communicated to the competent authority on



13.04.2015. Thus, there is no scope for considering the 1st portion of the relief for further enquiry. There is no other doubt raised in respect of the investigation conducted and the report filed by the investigating authorities.

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3. Regarding the other prayer for compensation, the learned counsel for the 6th respondent in WP No.5323 of 2014- Employer of the deceased, made a submission that the insurance coverage was in force during the relevant point of time and therefore they are prepared to submit all the documents before the 7th respondent in WP No.5323 of 2014-United India Insurance Company and the Insurance Company has to settle compensation based on the insurance policy in favour of the legal heirs of the deceased employer.

4. In view of the said submission made by the parties and there is no further objection on the side of the other parties, this Court is inclined to pass the following orders.

(i)The Tradex Shipping Company Private Limited/6th respondent in WP No.5323 of 2014 and the petitioners are directed to furnish all relevant documents and particulars to the 7th respondent-United India Insurance company, within a period of four weeks from the date of receipt of a copy of this order.

(ii)On receipt of the documents/particulars, from the Tradex Shipping Company Private Limited/6th respondent in WP No.5323 of 2014 and the petitioners, the 7th respondent-United India Insurance Company, is directed to consider the claim for grant of compensation based on the documents and pass appropriate orders on merits and in accordance with law, within a period four weeks therefrom.

5. With these directions, the writ petitions stand disposed of. No Costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary,
Government Of Tamil Nadu,
Secretariat,
Chennai-9.
2. The Secretary,
Tourism and Culture Department,
Government Of Tamil Nadu,
Fort St.George,
Chennai 9.
3. The Chairman,
Tamil Nadu Tourism Development Corporation,
Wallajah Road,
Chennai - 2.
4. The Naval Officer-in-Charge,
Tamil Nadu & Puducherry,
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9. The United India Insurance Company Limited,
Large Corporate Cell,
Claims Department,
No.98/A, Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.



+1cc to Mr.K.Ramanamoorthy, Advocate, S.R.No.55783
+1cc to M/s.Nageswaran , Advocate, S.R.No.54913
+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.55198
+1cc to Mr.R.Balaramesh, Advocate, S.R.No.54862
+1cc to Mr.K.B.Vivekanandhan, Advocate, S.R.No.54842
+1cc to the Government Pleader, S.R.No.55906

W.P.Nos.5323 & 10056 of 2014

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NSK 22/11/2021