



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15909 of 2021

Thangarathinam

... Petitioner

Vs.

- 1.The District Collector,
O/o. The Collectorate,
Madurai District-20.
- 2.The Special Deputy Collector,
O/o. The Social Security Scheme,
Madurai Collectorate Complex,
Madurai-20.
- 3.The Revenue Divisional Officer,
O/o, The Revenue Divisional Office,
Usilampatti, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 30.09.2019 in awarding compensation to her husband's accidental death (Late Ganesan died on 28.10.2018).

For Petitioner : Mr.N.S.Ponnaiah
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks compensation in relation to the death of her husband on 28.10.2018.

2.The petitioner states that her husband died on account of electrocution on 28.10.2018. Subsequent thereto, the petitioner made a representation to the third respondent on 30.09.2019. The third respondent responded to such representation by issuing a communication dated 17.10.2019 to the second respondent. Under the said communication, the second respondent was called upon to consider the petitioner's representation and take suitable action thereon. The present Writ Petition is filed in view of the failure of the said respondent to take action in spite of the aforesaid communication dated 17.10.2019.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner may



be directed to submit a fresh representation to the District Collector by enclosing the communication dated 17.10.2019. Upon receipt thereof, he submits that the first respondent would consider and dispose of such representation in accordance with applicable schemes in such regard.

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4.A claim for compensation in relation to a death of this nature should be decided on the basis of applicable schemes which would apply to all persons who are similarly situated. In view of the fact that the petitioner's husband died on 28.10.2018, it is just and necessary that the representation be disposed of expeditiously.

5.Accordingly, the petitioner is permitted to submit a fresh representation to the first respondent by enclosing all relevant documents, including the communication dated 17.10.2019 from the Revenue Divisional Officer. Such representation shall be submitted by the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent is directed to consider such representation by taking into account applicable schemes in such regard and dispose of such representation by a reasoned order within a period of three (3) months from the date of receipt thereof.

6.W.P.(MD).No.15909 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
O/o. The Collectorate,
Madurai District-20.



2.The Special Deputy Collector,
O/o. The Social Security Scheme,
Madurai Collectorate Complex,
Madurai-20.

3.The Revenue Divisional Officer,
O/o, The Revenue Divisional Office,
Usilampatti, Madurai District.

+1 CC to M/s.GP (SR-28498[F] dated 08/09/2021)

W.P (MD) No.15909 of 2021
07.09.2021

RS (16.09.2021) 3P 5C