



WP No.4671 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.4671 of 2018

Mrs.M.E.V.Thulasi

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Petitioner

vs.

1.State of Tamil Nadu Represented by the
Home Secretary,
Fort St. George,
Chennai.

2.The Director General of Police,
Chennai.

3.The Superintendent of Police,
Kanchipuram District.

4.The District Collector,
Kanchipuram District.

5.M.R.Ramesh HC 787

6.R.Devan Gr.I-1705

7.S.Kumar HC 388

..

Respondents

1/10



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first to third respondents to take departmental action against the fifth to seventh respondents based on the petitioner representation dated 28.07.2017.

For Petitioner	: Mr.Ma.Gouthaman
For Respondents-1 to 4	: Mr.S.Rajesh, Government Advocate.
For Respondents-5 to 7	: No Appearance

ORDER

The Writ of Mandamus has been instituted to direct the respondents 1 to 3 to initiate departmental disciplinary action against the respondents 5 to 7 based on the representation submitted by the petitioner on 28.07.2017.

2. The petitioner is a practising Advocate before the High Court of Judicature at Madras, District Courts and other Subordinate Courts for



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about 15 years.

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3. On 28.07.2017, the petitioner appeared before the learned Additional District Judge, Chengalpattu to represent a suit filed in O.S.No.226 of 2015. When she stepped out from the Court Hall, she got a big blow on her whole body and fell down near the Chambers of the Judge and it was bleeding profusely and blood was oozing and gushing out from her right side forehead resulting in a big cut and the cut was significantly deep through the skin.

4. The learned Advocate Members of Chengalpattu Bar admitted the petitioner in Chengalpattu Government Hospital and she underwent treatment there.

5. The petitioner submitted a complaint before the learned Principal District and Sessions Judge to initiate action.



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6. The learned counsel for the petitioner mainly contended that the Police Team barged inside the Court premises in order to nab a hardcore criminal one Mr.Venkatesan on that particular day and while chasing the accused person, the petitioner got injured and the irresponsible performance of duty by the police resulted in an incident. No action was taken initially and thereafter a case was registered.

7. The petitioner underwent treatment initially at Chengalpattu Government Hospital and thereafter at Miot Hospital at Chennai and met out medical expenditure of about Rs.3 lakhs. She underwent a surgery on her right leg knee and therefore, the State is responsible for the negligence committed by the Police Authorities, while nabbing the accused inside the Court premises.

8. The learned counsel for the petitioner states that the incident occurred inside the Court Hall. Thus the petitioner is entitled for the relief.

9. The learned Government Advocate appearing on behalf of



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respondents 1 to 4 objected the contentions raised on behalf of the learned counsel for the petitioner by stating that the alleged incident occurred outside the Court Hall and within the Court premises.

10. It was an accident and there was no intention on the part of the Police Authorities to cause injury or attack the petitioner, who was no way connected with the case in which the police proceeded to nab the accused persons.

11. The learned Government Advocate appearing on behalf of respondents 1 to 4 reiterated that there was no mistake on the part of the Police Authorities and as per the complaint and as per the instructions of the Higher Officials, a criminal case was registered against the accused concerned in respect of the incident occurred inside the Court premises.

12. Since because the accused was a hardcore criminal involved in many number of cases, the police had taken earnest effort to arrest the accused and the incident occurred because of the accused person and not at



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the instance of the police.

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13. In this regard, the learned Government Advocate, appearing on behalf of respondents 1 to 4 made a submission that the then Hon'ble Portfolio Judge for Chengalpattu District recorded that no action needs to be taken against the concerned Police Officials. Thus the Police Officials are not responsible for the abovesaid accident.

14. The incident occurred inside the Court premises and the injuries sustained by the petitioner, who was a practising Advocate, are not in dispute between the parties. The petitioner was attending the Court to represent her case before the learned Additional District Judge and at that point of time, there was a hit and she fell down, sustained injuries and underwent treatment. Thus it is an accident occurred certainly not with an intention, but while chasing the accused, who was a hardcore criminal and absconding for long period. Hence the action of the Police Authorities cannot be found fault with as they have performed their duties diligently. While doing so, the accident had occurred.



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15. This Court is of an opinion that the victim is entitled for compensation from the State. In such circumstances, the State itself has issued many Government Orders granting compensation on several occasions.

16. In the present case, the incident occurred inside the Court premises and more-so, while performing the duties by the Police Officials. Thus, the victim is eligible for compensation.

17. Regarding the quantum of compensation, the learned counsel for the petitioner states that the petitioner spent about Rs.3 lakhs for surgery on her right leg knee and for other treatments. However, the treatment was taken at Miot Hospital at Chennai and the medical charges will be far more higher than the normal charges to be paid in other hospitals.

18. The learned Government Advocate for the respondents 1 to 4 states that the surgery on the right leg knee of the petitioner was not



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connected with the injury sustained on the day of occurrence occurred inside the Court premises.

19. However, the learned counsel for the petitioner reiterated that subsequently the Doctors found that it was due to her fell down inside the Court premises and due to which there was an injury in the right leg knee of the petitioner. Thus the fact remains that she sustained injury due to the incident occurred inside the Court premises and hence the petitioner is entitled for compensation.

20. Considering the facts and circumstances and with a view to compensate the medical charges incurred by the petitioner, the first respondent is directed to pay a sum of Rs.1 lakh towards compensation, more specifically, towards medical charges, to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the compensation awarded shall not be recovered from the Police Officials, who performed their duties on the day of occurrence of the incident.



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21. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

To

- 1.The Home Secretary,
State of Tamil Nadu,
Fort St. George,
Chennai.
- 2.The Director General of Police,
Chennai.
- 3.The Superintendent of Police,
Kanchipuram District.
- 4.The District Collector,
Kanchipuram District.



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S.M.SUBRAMANIAM, J.

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