



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD)No.14066 of 2019
(Through video Conference)

S.Sumathi

.. Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Superintendent of Police,
Dindigul District, Dindigul.

3.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to pay compensation to the petitioner for the negligence on the part of the third respondent and his higher official for the cause of death of her husband and consequently direct the respondents herein to provide the petitioner, a Government Job in any department considering her qualification, based on her representation, dated 16.05.2019.

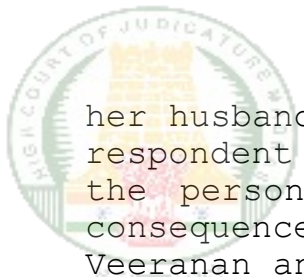
For Petitioner : No Appearance

For Respondents : Mr.A.Thiruvdai Kumar
Additional Public Prosecutor

O R D E R

This writ petition is filed seeking compensation for the death of petitioner's husband at the hands of the family members of one Veeranan.

2.According to the petitioner, there was a life threat to her and her husband from the members of the Veeranan family and the same was brought to the notice of the respondent police and a representation was sent to the respondent police on 26.07.2013 by



her husband seeking protection. In spite of giving the complaint, the respondent police failed to give protection and take action against the persons who made threat to the life of her husband. As a consequence, on 08.11.2013 her husband was brutally murdered by Veeranan and others. Therefore, alleging that due to inaction of the respondent police on the representation of her husband, dated 26.07.2013, the death has occurred and therefore, the State has to compensate.

3.The learned Additional Public Prosecutor would submit that the alleged representation, dated 26.07.2013 expressing apprehension and threat to life is not supported by any acknowledgement and no proof of such complaint. In any event, the State is not responsible to compensate the petitioner for the death of her husband. Regarding the murder of Senthilkumar, the husband of the petitioner, First Information Report was registered on 09.11.2013 in Crime No.209 of 2013 as against five accused and the case was taken up for trial by the learned Additional District Judge, Dindigul in S.C.No.158 of 2017 and the same ended in conviction of all the five accused, vide judgment dated 28.03.2019. As the State police has taken up all the action to book the culprits and prosecuted them in accordance with law, therefore, the writ petition is to be dismissed.

4.On perusal of the records, this Court finds that the representation of the petitioner's husband, dated 26.07.2013 is primarily regarding the land dispute between him and the family members of Veeranan. There is no material to show that this complaint was received by the Sub-Inspector of Police, Nilakottai. In any event, based on this complaint, one cannot infer that there was dereliction of duty, on the part of the State to protect the petitioner and consequently, to pass on the liability on the State to compensate the death of the petitioner's husband.

5.From the submission made by the learned Additional Public Prosecutor, this Court is satisfied that they have conducted the investigation of the crime properly and prosecuted the person who caused the death of the petitioner's husband. Therefore, this Court is of the view that the relief of seeking compensation does not fall within the scope of any law in force. Hence, the Writ Petition stands dismissed. No costs.

Sd/-

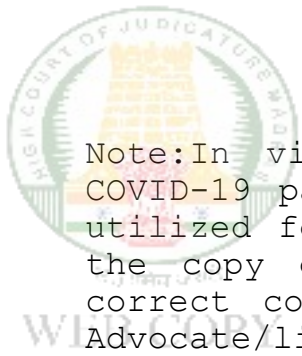
Assistant Registrar (AD II)

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Sub Assistant Registrar(CS)

sjj



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,
Dindigul District.
2. The Superintendent of Police,
Dindigul District, Dindigul.
3. The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No.14066 of 2019
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MGJ(11.02.2022) 3P 5C