



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.22453 of 2021

1.G.Mariyammal
2.T.Anandaselvi

... Petitioners

vs.

1.The Secretary,
Tamil Nadu State Legal Services Authority,
High Court Buildings, Chennai - 600 104.

2.The District Collector,
Office of the District Collector,
Virudhunagar District.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

4.The Secretary,
The District Legal Service Authority,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to take immediate action to pay fair and reasonable amount of compensation under The Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018 or Tamilnadu Victim Compensation Scheme, 2013 on the basis of the representation submitted by the petitioners dated 22.04.2021 in accordance with law, within a time stipulated by this Court.

For Petitioners	:Mr.R.Alagumani
For R2 and R3	:Mr.M.Lingadurai
	Special Government Pleader
For R1 and R4	:Mr.E.V.Chandrasekar

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to take immediate action to pay fair and reasonable amount of compensation under the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018 or Tamilnadu Victim Compensation Scheme, 2013 on the basis of the representation submitted by the petitioners dated 22.04.2021 on merits and in accordance with law, within a time frame to be fixed by this Court.



2.The respective wives of the two deceased persons have filed this Writ Petition seeking compensation under the Tamilnadu Victim Compensation Scheme, 2013 for the death of their respective husbands. According to them, their respective husbands died on account of custodial death, which is disputed by the police. According to the police, on account of electrocution, they died. The petitioners have given separate representations to the respondents, both dated 22.04.2021 seeking for compensation under Tamilnadu Victim Compensation Scheme, 2013. The fourth respondent is the competent authority to determine the compensation under the Tamilnadu Victim Compensation Scheme, 2013. Since the representations, dated 22.04.2021 has not been considered, the petitioners have filed this Writ Petition.

3.Heard Mr.R.Alagumani, learned Counsel for the petitioners, Mr.M.Lingadurai, learned Special Government Pleader appearing for R2 and R3 and Mr.E.V.Chandrasekar, learned Counsel for R1 and R2.

4.The learned Counsel for the petitioners would submit that W.P.(MD)No.6983 of 2019 reflected in the paragraph 12 of the affidavit filed in support of this Writ Petition has already been disposed of, as the FIR earlier registered under the specific Section of SC/ST (POA) Act and rules 1995 was removed subsequent to the amendment. Therefore, he would submit that the petitioners restrict their compensation claim only under the Tamilnadu Victim Compensation Scheme, 2013.

5.The learned Counsel for respondents 1 and 4 would submit that since the compensation sought for parallelly under the SC/ST Act, has not been insisted upon by the petitioners, the fourth respondent is willing to consider the petitioners' representation, dated 22.04.2021 seeking for compensation under Tamilnadu Victim Compensation Scheme, 2013 on merits and in accordance with law. The said statement is recorded.

6.No prejudice will be caused to any of the respondents, if the petitioners' representation, dated 22.04.2021 is considered on merits and in accordance with law within a time frame to be fixed by this Court.

7.Accordingly, this Court directs the fourth respondent, who is the competent authority under Tamilnadu Victim Compensation Scheme, 2013, to consider the petitioners' representation dated 22.04.2021 seeking compensation under the said scheme for the death of their respective husbands and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioners within a period of four months from the date of receipt of a copy of this order.



8. With the above observations, this Writ Petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (T&P)

/ /2022
Sub Assistant Registrar(CS)

cmr

To

1. The Secretary,
Tamil Nadu State Legal Services Authority,
High Court Buildings, Chennai - 600 104.
2. The District Collector,
Office of the District Collector,
Virudhunagar District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.
4. The Secretary,
The District Legal Service Authority,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-6803[F] dated 17/02/2022)

Order made in
W.P. (MD) No. 22453 of 2021
16.02.2022

NSN (CO)
GC (07.03.2022) 3P 6C