



WP.No.4657 of 2019

In the High Court of Judicature at Madras

Dated : 10.3.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.4657 of 2019

Mrs.Kullachi

...Petitioner

Vs

1.Tamil Nadu Construction Workers
Welfare Board, rep.by its
Secretary, No.8, Valluvarkottam
High Road, Nungambakkam,
Chennai-34.

2.The Labour Officer (Social
Security Scheme), Tiruvannamalai,
Tiruvannamalai District.

3.The Assistant Commissioner,
Labour Welfare & Social Security
Scheme, Gandhi Nagar,
Tiruvannamalai.

4.Bhuvana

5.Harikrishnan
(R5 impleaded vide order dated 09.4.2019
in WMP.No.10290 of 2019 by KRCBJ)

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus directing the respondents to



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pay the entire compensation payable on account of the death of the petitioner's son viz Late Sudhakar under social security scheme fund directly to the petitioner alone.

For Petitioner : Mr.M.Santhanaraman
For Respondents 1 to 3 : Mr.K.M.D.Muhilan, AGP
Respondent-4 : Not ready in notice
For Respondent-5 : Mr.T.Moorthy

ORDER

The petitioner has filed this writ petition seeking a direction to respondents 1 to 3 to pay the entire compensation on account of the death of her son viz Late Sudhakar under social security scheme fund directly to the petitioner alone.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for the fifth respondent.

3. The case of the petitioner is as hereunder :



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(i) The petitioner herein and the fifth respondent are husband and wife. They had a son namely one Mr.Sudhakar. He married the fourth respondent herein on 12.9.2014 without knowing the fact that she was aged 14 at the time of marriage. After their marriage, the said Mr.Sudhakar went abroad and the fourth respondent started living with her parents. Even after return, they did not live together. The nature of work done by the said Mr.Sudhakar was blasting dynamites to deepen wells and during the course of work, on 05.5.2017, the said Mr.Sudhakar died due to the accident involving landslide in the well. Subsequent to the accident, the fifth respondent lodged a first information report in Cr.No.208 of 2017 on the file of Pudupalayam Police Station.

(ii) The well owner and the vehicle owner paid a compensation of Rs.3 lakhs, from which, the fourth respondent received a sum of Rs.2.25 lakhs and the fifth respondent herein received a sum of Rs.74,000/-. Even from the said sum of Rs.74,000/-, the fourth respondent herein took away a sum of Rs.50,000/- from the fifth respondent herein. Further, after attaining the age of 18 years, the fourth respondent got married on 19.10.2018 to one Mr.Govindasamy.



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(iii) In the meanwhile, the officials of the second respondent visited the place of occurrence and informed the petitioner that they would pay compensation from the office of the first respondent. As the name of the fourth respondent is shown as one of the legal heirs in the documents, the third respondent sent a letter dated 07.11.2018 to the petitioner, the fourth respondent and the fifth respondent seeking their respective bank details for depositing the compensation. According to the petitioner, the fourth respondent was married again and she was not entitled to receive any compensation. Expressing their grievance, the petitioner and the fifth respondent sent a legal notice dated 05.12.2018 to respondents 1 to 3. Hence the writ petition.

4. The learned Additional Government Pleader appearing for respondents 1 to 3 submitted that an enquiry will be conducted in a manner known to law and appropriate orders will be passed.

5. While recording the said submission, this Court directs the third respondent to conduct an enquiry between the petitioner and the fifth respondent on the one hand and the fourth respondent on the



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other hand, pass appropriate orders and disburse the compensation to the eligible persons as per the scheme. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

10.3.2023

Index : Yes (or) No

Neutral Citation : Yes (or) No

To

- 1.Tamil Nadu Construction Workers Welfare Board, rep.by its Secretary, No.8, Valluvarkottam High Road, Nungambakkam, Chennai-34.
- 2.The Labour Officer (Social Security Scheme), Tiruvannamalai, Tiruvannamalai District.
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RAP



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