



W.P.No.5637 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.5637 of 2018

Mallika

. . . Petitioner

vs.

1. The Secretary,
Department of Home, Excise and Prohibition,
Secretariat, Fort St.George,
Chennai-600 009.

2. The Superintendent of Prison,
Central Prison, Puzhal
Chennai.

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other order in the nature of Writ order or direction, directing the Respondents to give compensation of Rs.20,00,000/- to the Petitioner for the cause of the death of the Petitioner's con Appu @ Appuraj, who died under the custody of the 2nd Respondent prison.



WEB COPY



W.P.No.5637 of 2018

For Petitioner : M/s.T.V.Somasundaran
For Respondents : Mr. E.Veda Bagath Singh,
Special Government Pleader for R1.
: R.Moorthy,
Government Advocate for R2.

ORDER

This Writ Petition has ⁼been filed seeking a direction to the Respondents to pay the compensation amount to the petitioner to the tune of Rs.20,00,000/- towards the death of the petitioner's son namely Appu @ Appurai which is caused under the custody of the 2nd respondent.

2. It is the case of the petitioner that her son namely Appu @ Appuraj was serving a life sentence for the past 7 years under the custody of the 2nd respondent. The said Appu was admitted in the Royapettah Government Hospital for allegedly swallowing bell pins. After his recovery of health, he was again admitted in the aforesaid hospital on 13.11.2016 due to severe health ailments and thereby the said Appu was died on



W.P.No.5637 of 2018

16.11.2016. In order to compensate death of her son, the petitioner made a representation to the 1st respondent requesting the Government of Tamil Nadu to pay the compensation amount to the petitioner to the tune of Rs.20,00,000/-. However, till date, no action has been taken on the said representation. Hence, the present Writ Petition has been filed.

3. Though very many grounds have been raised, however, in view of the effective remedy available under Clause 4 of the Tamil Nadu Victim Compensation Scheme, 2013 learned counsel for the petitioner submits that it would suffice if this Court permits the petitioner to make application under scheme and the said application may be considered by the respondents and appropriate orders would be passed on the same, within the time that may be stipulated by this Court.

4. On the above contention, this Court heard the learned Special Government Pleader appearing for the 1st respondent and learned Government Advocate appearing for the 2nd respondent.



W.P.No.5637 of 2018

WEB COPY

5. In view of the effective remedy available for the petitioner herein under Clause 4 of the Tamil Nadu Victim, 2013, this Court without expressing any opinion on the merits of the case permits the petitioner to make appropriate application before the District Legal Services Authority, Chennai along with the copy of this order within a period of four weeks from the date of receipt of a copy of this order. If any such application is filed, the District Legal Services Authority is directed to take up the matter and conduct appropriate enquiry between the petitioner and the respondents and pass appropriate orders on the same in accordance with law, within a period of twelve weeks thereafter.

6. This Writ petition stands disposed of with the aforesaid direction.

There shall be no order as to costs.

07.03.2023

NHS

Index : Yes / No

Internet : Yes / No

4/6



WEB COPY



W.P.No.5637 of 2018

To

1. The Secretary,
Department of Home, Excise and Prohibition,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Superintendent of Prison,
Central Prison, Puzhal
Chennai.
3. District Legal Services Authority,
Chennai.



WEB COPY



W.P.No.5637 of 2018

M.DHANDAPANI, J.

NHS

W.P.No.5637 of 2018

07.03.2023