



WEB COPY

W.P.No.4317 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4317 of 2016

Elumalai

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary
Department of Home
Fort St. George
Chennai – 9.

2.The Secretary
Department of Health
Fort St. George
Chennai – 9.

3.The District Collector
Villupuram District
Villupuram.

4.The Additional Director General of Police
CBCID
No.220, Pantheon Road
Egmore
Chennai – 8.

5.The Inspector of Police
CBCID, Villupuram,
Villupuram District.



6.Vasuki

7.The Ministry of Ayush,
Ayush Bhawan, B-Block,
GPO Complex, INA,
New Delhi – 110 023.

8.The Tamil Nadu Dr.M.G.R. Medical University,
69, Anna Salai, Guindy, Chennai,
Tamil Nadu 600 032.

... Respondents

[R7 suo-motu impleaded vide order dated 18.07.2022
in W.P.No.4317 of 2016]

[R8 suo-motu impleaded vide order dated 22.08.2022
in W.P.No.4317 of 2016]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pay
compensation of Rs.25 Lakhs to the petitioner as compensation.

For Petitioner	: Mr.R.Sankarasubbu
For R1 to R3	: Mr.P.Kumaresan Additional Advocate General Assisted by Mr.J.Daniel Government Advocate
For R4 & R5	: Mr.J.Subbiah Government Advocate
For R7	: Mr.K.S.Jeyaganesan
For R6 & R8	: No Appearance



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ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to pay compensation of Rs.25,00,000/-.

2. The petitioner states that his younger daughter Saranya after completion of 12th standard applied for admission to BSMS course. She secured admission and was studying 2nd year BSMS Course at SVS Naturopathy and Yoga Sciences College situated at Bangaram in Villupuram District. The college had inadequate amenities and infrastructure facilities and several protests and agitations were made by the students to improve the infrastructure facilities. The daughter of the petitioner and other two students committed suicide on account of fact that the college authorities failed to take action to improve the infrastructure facilities and amenities both in the hospital as well as in the college. A criminal case was registered. The Government as a welfare measure paid a sum of Rs.2,00,000/- to each of the families of the students, who have committed suicide.

3. The learned Additional Advocate General appearing on behalf of the State made a submission that the charge sheet has been laid in the criminal



case and at the first instance, the Government settled a sum of Rs.2,00,000/- to the families of the deceased students. Therefore, the writ petition is not entertainable and if at all the petitioner is not satisfied with the compensation settled by the Government, he has to approach the Competent Court of Law for the purpose of establishing their case.

4. The status report filed by the Additional Superintendent of Police Crime Branch, Villupuram reveals that the case was registered in Villupuram CBCID Crime No.01 of 2016 under Section 420, 384, 306 IPC read with Section 4(B) Tamil Nadu Prohibition of Harassment of Women Act, 1998 on 30.01.2016. The charge sheet has already been filed and the Criminal Court concerned has to take steps to complete the trial as expeditiously as possible and dispose of the case.

5. As far as the present writ petition seeking compensation is concerned, the Government has already settled a sum of Rs.2,00,000/- to the families of the deceased students and in respect of the further compensation the petitioner has to wait for the final disposal of the criminal case registered against the College Authorities and only after the disposal of the case, the



petitioner will be in a position to claim further compensation against the college authorities in the manner known to law. If at all the petitioner is not satisfied with the compensation granted, then the petitioner is at liberty to approach the Competent Civil Court of Law to establish their case for the purpose of grant of higher compensation or otherwise.

6. Since the Government has already paid the compensation, further compensation cannot be determined by the High Court in a writ proceeding. In view of the facts and circumstances, the writ petitioner is at liberty to approach the Competent Court of Law or Forum concerned for the purpose of seeking further compensation or otherwise in the manner known to law.

7. With this liberty, this Writ Petition stands disposed of. No costs.

18.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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