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W.P.No.25930 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM:
THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

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1. M.Geetha
 2. M.Viswa (minor)
Represented by natural guardian mother M.Geetha
 3. M.Santhosh (minor)
Represented by natural guardian mother M.Geetha
- ...Petitioners

vs.

1. The State Tamil Nadu Government,
Rep. by its Secretary,
Road and Highways Department,
Secretariat, Chennai.
 2. The District Collector,
Kancheepuram District,
Cheyyur Taluk.
 3. The Tahsildar,
Cheyyur Taluk,
Kancheepuram District.
 4. The Assistant Divisional Engineer,
Highways, Construction and Maintenance Wing,
Madurantakam, Kancheepuram District.
- ...Respondents

(R4 impleaded, vide order dated 05.01.2022 made in



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W.M.P.No.7825 of 2019 in W.P.No.25930 of 2018)

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents jointly and individually to pay adequate compensation along with interest @ 18% to the petitioners from the date of accident till the date of payment.

For Petitioners : Mr.V.T.Narendiran

For Respondents : Mr.K.M.D.Muhilan, AGP

ORDER

This Writ Petition has been filed seeking direction to the respondents to pay adequate compensation along with interest at 18% from the date of accident till the date of payment, to the petitioners for inappropriate maintenance by the respondents, which resulted in the death of one Murugan, 1st petitioner's husband/father of the 2nd & 3rd petitioners.

2. The case of the petitioners is that, on 11.07.2014, when the said Murugan along with two others were traveling in the bike to attend a funeral, a 150 years old Banyan tree had fallen on them, due to which, the said Murugan/1st petitioner's husband died on spot. For the said incident, FIR was filed in FIR No.331 dated 11.07.2017. Though the Hon'ble Chief



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Minister announced a sum of Rs.1,00,000/-, however, the said exgratia amount is hardly enough to meet the day to day needs of the petitioners, as the said Murugan was the only bread winner of their family. Therefore, the 1st petitioner made a representation dated 02.03.2018 before the respondents, seeking payment of compensation for the death of the said Murugan, as the entire incident happened due to non performance of the public duty by the respondents. However, till date no orders have been passed on the said representation. Hence, this Writ Petition.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. Though very many grounds have been raised by the learned counsel for the petitioners at the time of arguments, however, when this Court expressed its opinion that, as per Victim Compensation Scheme, for payment of compensation, the petitioners have to approach the District Legal Services Authority, the learned counsel for the petitioners restricted the prayer and sought permission of this Court to make appropriate



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application before the District Legal Services Authority under the Victim Compensation Scheme. Learned Additional Government Pleader appearing for the respondents has no objection for the restricted prayer sought for by the learned counsel for the petitioners.

5. In view of the limited relief sought for by the learned counsel for the petitioners, this Court, without expressing any opinion on the merits of the case, directs the petitioners to make appropriate application before the District Legal Services Authority under the Victim Compensation Scheme within a period of four weeks from the date of receipt of a copy of this order, along with a copy of this order. Upon receipt of the said application, the District Legal Services Authority shall consider the same on merits and in accordance with law and pass appropriate orders within a period of four weeks thereafter, after affording an opportunity of personal hearing to the petitioners and aggrieved persons, if any.

6. If at all the petitioners are aggrieved by the compensation amount to be arrived at by the District Legal Services Authority, the petitioners are



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at liberty to approach the competent Civil court for payment of additional compensation and to workout the remedy in the manner known to law.

7. With the above observations and directions, this Writ petition stands disposed of. No Costs.

23.03.2023

skt

NCC : Yes/ No

Index : Yes/No

Speaking order : Yes/No

To:

1. The State Tamil Nadu Government,
Rep. by its Secretary,
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2. The District Collector,
Kancheepuram District,
Cheyyur Taluk.
3. The Tahsildar,
Cheyyur Taluk,
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4. The Assistant Divisional Engineer,
Highways, Construction and Maintenance Wing,
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M.DHANDAPANI., J.

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