



W.P.(MD) No.14788 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.14788 of 2021

and

W.M.P(MD) No.11696 of 2021

Saraswathi
W/o.R.Subramanian

... Petitioner

Vs.

1.The Member Secretary,
The State Legal Service Authority,
North Fort Road,
High Court Buildings,
Chennai – 600 104.

2.The Chairman,
District Legal Service Authority,
Ramanathapuram District Court,
Sethupathi Nagar, Ramanathapuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to disburse the compensation of Rs.10 Lakhs under the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018.

For Petitioner : Mr.S.Murugapandi

For Respondents : M/s.Jaya Priya, Government Advocate



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to disburse the compensation to the petitioner under the 'Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018' [hereinafter referred to as '2018 Scheme' for the sake of convenience and brevity].

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that her husband was working as a Sub Inspector of Police and that on 28.04.2006, he was murdered. As a result, the petitioner was a victim and she was not able to eke her livelihood with the meager pension received by her. Therefore, the petitioner made a representation to the second respondent on 26.06.2021. Since the same was not considered by the second respondent, the present Writ Petition has been filed before this Court.



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3. In order to seek victim compensation under the 2018 Scheme, the petitioner must satisfy with the requirement under Clause 2(1)(p) of the said Scheme which defines 'Woman Victim' as follows:-

2. Definitions:-

(1) In this scheme, unless the context otherwise requires:-

(a)

.....

(p) 'Woman Victim / Survivor of other crime' means a woman who has suffered loss or physical or mental injury mentioned in the appended Schedule as a result of any offence including offences under Section 304B, Section 326A, Section 498A of the Penal Code, including the attempts and abetment.

4. The compensation under this Scheme will apply to the woman victim and their dependents who has suffered loss or injury, as the case may be, as a result of offences committed against such woman and who requires rehabilitation. A reading of the Clause 2(1)(p) of the Scheme along with Schedule that is appended to the Scheme, it is seen that a woman must be a direct victim of offence committed. In the instant case, the petitioner is not a direct victim of any offence and she claims



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compensation for the offence that was committed against her husband who was allegedly murdered. This claim made by the petitioner will not fall under 2018 Scheme and the compensation sought for by the petitioner is misconceived.

5. In the light of the above discussion, the relief sought for by the petitioner in this Writ Petition cannot be granted by this Court and this Writ Petition is disposed of accordingly. No cost. Consequently, connected Miscellaneous Petitions is closed.

06.11.2023

Index: Yes/ No
Neutral Citation: Yes / No
Speaking order / Non-Speaking order
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To

- 1.The Member Secretary,
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Chennai – 600 104.
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N.ANAND VENKATESH, J.

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