



W.P.(MD)No.436 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.436 of 2021

Gurusamy.P,

... Petitioner

Vs

1. The State of Tamil Nadu Represented
by the Principal Secretary,
Home Department State of Tamilnadu,
Fort St.George Secretariat,
Chennai-600 009.

2. The State of Tamil Nadu Rep.,
By, the Principal Secretary Animal
Husbandry Dairying and Fisheries
(Poultry) Dept. State of Tamilnadu Fort
St.George, Chennai-9..

3. The District Collecotr,
Office of the Madurai District, Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the respondents to pay
fair and reasonable amount of compensation to the family members of the
petitioner for the death of the petitioners son by name Azhagar who died
while spectating the Avaniyapuram Jallikattu on 15.1.2020 in accordance



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with law within the time stipulated by this Honourable Court

For Petitioner :Mr.Alagumani.R,
For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to pay the fair compensation to the petitioner on account of the demise of the petitioner's son, who was trampled to death while he went to witness the Avaniyapuram Jallikattu on 15.01.2020 as a spectator.

2. The case of the petitioner is that his son named Azhagar had gone to witness the Jallikattu event at Avaniyapuram. Unfortunately, the bull had escaped from the barricade and had attacked the petitioner's son and as a result, he sustained head injuries and he died at the Government Rajaji Hospital at Madurai on 17.01.2020. An FIR was also registered in this regard in Crime No.75/2020 under Section 174 Cr.P.C. The petitioner made a representation seeking for payment of compensation and since the same was not considered, the present writ petition came to be filed before this Court.



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3.The learned counsel for the petitioner brought to the notice of this Court the provisions of the Tamil Nadu Regulation of Jallikattu Act, 2009 (hereinafter referred to as 'the Act'), which provides for the payment of compensation to the members of the family of the victim. The learned counsel submitted that the compensation provided under the Act may be directed to be paid to the petitioner.

4. In the considered view of this Court, the relevant provision under Section 4(ix), which speaks about the payment of compensation pertains to the compensation that is paid for the injury/death of the participant in the jallikattu event. The entire Act does not talk about the payment of any compensation to a spectator, who sustains injuries or dies during the event. Therefore, the provisions of the Act cannot be applied to the case of the petitioner.

5. The learned Special Government Pleader for the respondents submitted that the petitioner must make a representation before the District



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Collector and if the District Collector recommends for the payment of compensation to the Government, the Government will consider the payment of compensation from the Chief Minister's Relief Fund. To substantiate the submission, the learned Special Government Pleader also produced the G.O.No.365 dated 15.05.2023, wherein such compensation was paid from the the Chief Minister's Relief Fund to those persons, who died during the jallikattu event that took place at Avaniyapuram.

6. Taking into consideration the facts and circumstances of the case and the submission made by either side, there shall be a direction to the petitioner to make a representation before the District Collector, Madurai, seeking for compensation along with all the relevant documents. The District Collector, Madurai, is directed to process the application and make recommendation for the payment of compensation to the petitioner on account of demise of the petitioner's son during the jallikattu event. On such recommendation, the second respondent shall act upon the same and compensation shall be paid from the the Chief Minister's Relief Fund. This Court takes into consideration the fact that the petitioner has lost his son at a



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time when he was taking care of the petitioner and therefore, some element of humanitarian consideration is required to the cases of this nature. Therefore, the respondents are expected to not to dwell upon technicalities and shall process the request on humanitarian consideration. The entire process shall be completed within a period of four months from the date of receipt of a copy of the representation from the petitioner.

This writ petition is disposed of in the above terms. No costs.

09.10.2023

NCC :Yes/No
Index :Yes/No
RR

To

1. The District Collector,
Ramanathapuram District, Ramanathapuram..

2. The District Revenue Officer,,
Ramanathapuram District, Ramanathapuram..

3. The Tahsildar,,
Ramanathapuram District, Ramanathapuram..



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N.ANAND VENKATESH, J.

RR

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