



W.P(MD)No.4531 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4531 of 2015

and

MP(MD)No.1 of 2015

Thavamani

... Petitioner

Vs

- 1.The State represented by
The Secretary to Government,
Social Welfare and Nutritious Meal Program Department,
Secretariat,
Fort St.George,
Chennai.
- 2.The State represented by
The Principal Secretary,
Aadi Dravidar Welfare Department,
Secretariat,
Fort St.George,
Chennai.
- 3.The State represented by
The Principal Secretary,
Department of School Education,
Secretariat,
Fort St.George,
Chennai.



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- 4.The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.
- 5.The District Collector,
Office of the District Collector,
Sivagangai District.
- 6.The District Aadi Dravidar Welfare Officer,
District Collector Office,
Sivagangai District.
- 7.The Warden,
Government Aadi Dravidar Girls Students Hostel,
Thenmapattu,
Thiruppathoor,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to pay Rupees 20,00,000 compensation to the petitioner's family for the death of her daughter by name Aani Priya, aged 17 years, in Government Aadhidravidar Girls Students Hostel, Thenmapattu, Thiruppathoor, Sivagangai District on 04.03.2015 at early morning within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2. The petitioner's daughter was an inmate of Government Adi Dravidar Girls Students Hostel, Themmapattu. The petitioner received information on 04.03.2015 at about 07.00 a.m that her daughter was suffering from Epilepsy and she was asked to come to the hostel. When the petitioner went, she found that her daughter was dead.

3. The case of the petitioner is that during the relevant time, the Matron / Warden of the hostel was not available. The petitioner's case is that if the Matron was available, her daughter would have been taken for treatment and her life could have been saved. The petitioner therefore demands payment of a sum of Rs.20 Lakhs towards compensation for her daughter's death.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for. He also relied on the decision of the Hon'ble Division Bench reported in **2016 SCC OnLine Mad 2695 (The State of Tamil Nadu & Others Vs. K.Saminathan)**.



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5. The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents. He submitted that the issue raised by the petitioner had already been addressed and that no further order is required in this writ petition. He pointed out that the Government had issued G.O(Ms)No.31 dated 26.06.2014 containing guidelines as to how the inmates of girls hostel will have to be taken care. According to him, the Government Order had been breached totally.

6. I carefully considered the rival contentions and went through the materials on record.

7. It is not in dispute that during the relevant time, the Matron of the hostel was not available. If due to the negligence of the hospital authorities, the unfortunate death had occurred, certainly this Court would not hesitate to fasten liability on this state. The petitioner is under the impression that her daughter was faced an attack of Epilepsy and that on account of failure to take her to hospital, she died.

8. I am not able to accept this contention. There is nothing on record to show that on account of Epilepsy the petitioner's daughter died. In any event,



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Epilepsy will last for a short duration and thereafter it will subside on its own.

Epilepsy by itself is not fatal. In this case, investigation has revealed that the petitioner's daughter had consumed carbonate type compound and had committed suicide. That is why Crime No.125 of 2015 was registered on the file of local police station and it was altered and Section 306 and other Sections were added. The decision relied on by the learned counsel appearing for the petitioner (*2016 SCC OnLine Mad 2695 (The State of Tamil Nadu & Others Vs. K.Saminathan)*) may not be applicable to the facts of this case. That was a case of murder and that is why when the learned Single judge awarded compensation of Rs.10 Lakhs, the Hon'ble Division Bench declined to interfere. The case on hand is not murder; it is suicide and that makes all the difference. I therefore hold that the aforesaid decision relied on by the learned counsel for the petitioner is distinguishable on facts.

9. In any event, the District Collector has taken note of the fact that there were lapses in managing the hostel and that is why steps were taken to sanction exgracia payment of Rs.3 Lakhs from the consolidated relief fund on 21.06.2016 and the amount was sanctioned and paid to the petitioner herein. Disciplinary action as well as the criminal prosecution had been initiated against the hostel Matron.



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10. I am of the view that whatever had to be done had been done. I endorse the stand of the learned Additional Government Pleader that no further order is required. The respondents have not treated this writ proceeding as adversarial in character. On the other hand, they have fairly projected what had actually happened. The respondents did not wait for the disposal of the writ petition to pay the exgracia amount. No further order is required.

11. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Secretary to Government,
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Fort St.George,
Chennai.

2.The Principal Secretary,
Aadi Dravidar Welfare Department,
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G.R.SWAMINATHAN, J.

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