



W.P(MD)No.21998 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21998 of 2023

Ramalakshmi

... Petitioner

Vs

1.The State rep. by
The Principal Secretary,
Home Department,
St. George Fort, Chennai.

2.The District Collector,
Ramanathapuram District.

3.The Superintendent of Police,
Ramanathapuram District.

4.The District Child Welfare Officer,
O/o.The District Collectorate,
Ramanathapuram,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents 1 & 2 herein to provide compensation to the petitioner daughter minor R.Soniya Sri aged about 9 years in pursuance to the judgment dated



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17.03.2022 made in Spl.S.C.No.46 of 2021 on the file of the Fast Track Mahila Court, Ramanathapuram District within a stipulated time period in accordance with law by considering the representation dated 30.05.2022 and 02.09.2023.

For Petitioner	:Mr.C.Senthil Murugan
For R1, R2 & R4	:Mr.G.V.Vairam Santhosh Additional Government Pleader
For R3	: Mr.P.Kottaichamy Government Advocate

ORDER

The petitioner's daughter aged about 9 years was sexually assaulted by a person, for which, a criminal case has been registered by the All Women Police Station, Paramakudi in Cr.No.30 of 2020 for the offences under Sections 451 of IPC and 9(m), 9(u), 10 of Protection of Child from Sexual Offences Act 2012 and 3(1)(r), 3(1)(w)(l) of SC & ST (Prevention of Atrocities) Act, 1989.

2. The case was tried by the Fast Track / Mahila Court in Spl.S.C.No.46 of 2021 and the accused was found guilty for the offence under Section 451 IPC and 9(m)(u) and Section 11 of the POCSO Act and the trial Court has imposed a maximum punishment of 7 years. The



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trial Court has also ordered compensation to the victim child directing the Government to pay compensation of Rs.1,00,000/- (Rupees one lakh only) to the victim by its judgment dated 17.03.2022.

3. The petitioner with the grievance that as per the order passed by the Fast Track Court, Mahila Court, Ramanathapuram the compensation has not been paid to the victim girl, therefore, has filed this writ petition.

4. The learned Additional Government Pleader on written instructions submits that based on the orders of the Fast Track Court, Mahila Court, Ramanathapuram the fourth respondent has already sent his proposal on 25.03.2022 to the first respondent and the compensation would be provided within a reasonable time.

5. This Court considered the rival submissions made.

6. The trial Court while disposing the case has also passed an order of awarding compensation as per Section 7(2), 7(4) and 7(5) of



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the Protection of Child from Sexual Offences Act 2012. Based on this order dated 17.03.2022 a proposal has been made by the fourth respondent as early as on 25.03.2022. However, the first respondent, who is the authority to pass orders, has slept over the matter for the past 1 ½ years, therefore, the petitioner has filed the present writ petition.

7. In view of the above, this writ petition is allowed with a cost of Rs.10,000/- the litigation expenses which has incurred by the petitioner for filing this writ petition. The cost of Rs.10,000/- and litigation expenses shall be paid by the first respondent to the victim girl along with the compensation amount as awarded by the trial Court to the victim girl within a period of two weeks from the date of receipt of a copy of this order together with 12% interest. No costs.

NCC : Yes / No.

Index : Yes / No.

Internet: Yes

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To

- 1.The Principal Secretary,
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- 4.The District Child Welfare Officer,
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B.PUGALENDHI, J.

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Order made in
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