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W.P.No.6444 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.6444 of 2021
and W.M.P.No.7026 of 2021

Vennila

Vs.

... Petitioner

- 1.The District Collector,
Erode District, Erode.
- 2.Managing Director,
Bannari Amman Sugars Limited,
Alathu Combai,
Sathyamangalam,
Erode District – 638 401.
- 3.District Superintending Engineer,
Tamil Nadu Electricity Board,
TANGEDCO, Erode District.
- 4.Executive Engineer,
TANGEDCO, Sathyamangalam,
Erode District.
- 5.Assistant Engineer,
TANGEDCO (Distribution),
Sathyamangalam,
Erode District.
- 6.Nataraj
- 7.Palanisamy

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8.Ravichandran

9.R.Palanisamy

10.R.Rangan @ Rangasamy

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents jointly or severally to consider the petitioner's representation dated 10.02.2021 for payment of adequate compensation to the petitioner.

For Petitioner : Mr.C.Umashankar

For Respondent 1 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For Respondent 2 : Mr.Rahul Balaji

For Respondents 3 to 5 : Mr.I.Syed Sibghatulla

For Respondents 8 to 10 : Mr.B.Gopalakrishnan

ORDER

This writ petition has been filed by the petitioner to direct the respondents jointly or severally to consider the petitioner's representation dated 10.02.2021 for payment of adequate compensation to the petitioner.

2. The case of the petitioner is that the petitioner's husband Mr.Lingesh was employed as a agricultural worker and used to work as sugarcane cutter



and earning a very meager income. During Corona period, the petitioner's husband was not having any job. In the meantime, the petitioner was called by one Mr.Mofor @ Vediappan, who belongs to the petitioner's village, to cut the Sugarcane for Bannari Amman Sugar Mills at Sathyamangalam, Erode District. On 24.06.2020, the petitioner's husband along with other 18 workers were taken to the sugarcane field. The petitioner's husband was employed as agricultural coolie in the sugarcane field of respondents 6 & 7, who laid the electric fencing in and around the wetland illegally and without noticing the electricity fence, the petitioner's husband who went to attend the nature's call stepped over the electric fence and got electrocuted to death. Based on the complaint raised by one Muthukumar, an FIR in Cr.No.655 of 2020 for the offences under Section 337 and 304(ii) of IPC was filed. Subsequently, the respondents 8 to 10, who were the adjacent land owners have paid compensation to the petitioner to a sum of Rs.1,00,000/-, but, neither the Electricity Board nor the private individuals had paid any compensation. Thereby, the petitioner made a representation dated 10.02.2021 before the respondent 1 & 2, seeking adequate compensation. However, till date, no action has been taken on the said representation. Aggrieved over the same, the petitioner has come forward with the present writ petition.



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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 petitioner at the time of arguments, however, when this Court expressed its opinion that, as per Victim Compensation Scheme, 2019, for payment of compensation, the petitioner has to approach the District Legal Services Authority, the learned counsel for the petitioner restricted the prayer and sought permission of this Court to make appropriate application before the District Legal Services Authority under the Victim Compensation Scheme, 2019.

5. Learned Additional Government Pleader appearing for the first respondent has no objection for the restricted prayer sought for by the learned counsel for the petitioner.

6. In view of the limited relief sought for by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the



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case, directs the petitioner to make appropriate application before the District Legal Services Authority under the Victim Compensation Scheme, 2019 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 twelve weeks thereafter, after affording an opportunity of personal hearing to the petitioners and aggrieved persons, if any.

7. If at all the petitioner is aggrieved by the compensation amount to be arrived at by the District Legal Services Authority, the petitioner is at liberty to workout the remedy under the Workmen Compensation Act.

8. With the above observations and directions, this Writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is also closed.

22.08.2024



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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

M.DHANDAPANI,J.

vm

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