



W.P.No.22603 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22603 of 2022

R.Malliga

... Petitioner

Vs.

The District Level Services Authority,
Thiruvallur Rep by Secretary,
District Level Services Authority,
Thiruvallur.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to disburse directly the award amount Rs.10 lakhs into the savings account of the dependent children Balamurugan and Rooba as per the award dated 07.09.2020 passed by the respondent in VCA.No.2/2020.

For Petitioner : Ms.Nuzhath Khanam
For Mr.Kowser Nissar

For Respondent : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed for directions, directing the respondent to disburse directly the award amount Rs.10 lakhs into the



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savings account of the dependent children Balamurugan and Rooba as per the award dated 07.09.2020 passed by the respondent in VCA.No.2/2020.

2. The petitioner's daughter succumbed to burn injuries alleged to have been set on fire by her husband on 24.05.2012. On the complaint, case was registered in Crime No.224 of 2012 and after filing charge sheet it was taken cognizance in S.C.No.18 of 2015 on the file of the Magalir Neethimandram, Fast Track Mahila Court, Thiruvallur. While pending trial, the sole accused died as such the session case was closed as abated by an order dated 28.06.2019. The petitioner is being the grand mother of the children of the deceased daughter, she approached the Child Welfare Committee, Thiruvallur for compensation under Section 357-A(4) of Cr.P.C. The respondent by an award dated 07.09.2020, passed an award of Rs.10 lakhs as compensation to both grand children of the petitioner as 50% each in V.C.A.No.2 of 2020. However, so far no amount has been disbursed as per the award passed by the respondent. Therefore, the petitioner made representation on 23.06.2021. Since the same was not considered, the petitioner filed the present writ petition.



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3. Heard the learned counsel appearing on either side and perused the material placed before this Court.

4. On perusal of the counter filed by the respondent revealed that immediately after passing an award, it was forwarded to the Tamil Nadu State Legal Services Authority for compliance. However it was returned on the ground that the accused was identified and the trial was also taken place. Hence the provision under Section 357-A(4) of Cr.P.C., is not applicable to this case. Therefore, the Tamil Nadu State Legal Services Authority directed the respondent to recall the award and provide legal assistance to get recommendations from the appropriate Court for granting compensation under the Tamil Nadu Scheme, 2018.

5. In the case on hand, after taking cognizance in S.C.No.18 of 2015 on the file of the Magalir Neethimandram, Fast Tract Mahila Court, Tiruvallur, sole accused died. Therefore, the case itself was abated, since the sole accused died. There was no trial has taken place and therefore the respondent has rightly passed award under Section 357-A(4) of Cr.P.C., and the respondent is liable to disburse the compensation amount in accordance with law.



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6. In view of the above discussions, the respondent is directed to disburse the compensation as awarded in V.C.A.No.2 of 2020 dated 07.09.2020 directly to the petitioner's grand children, within a period of four weeks from the date of receipt of a copy of this Order.

7. With the above directions, the Writ Petition stands allowed.
There shall be no orders as to costs.

25.06.2024

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

rts



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To
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The District Level Services Authority,
Thiruvallur Rep by Secretary,
District Level Services Authority,
Thiruvallur.



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G.K.ILANTHIRAIYAN. J.

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