



W.P.No.35252 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.35252 of 2023

Mahadevan

... Petitioner

Vs.

1. The Home Secretary,
Secretariat, St. George Fort,
Chennai- 600 009.

2. The Director General Of Police,
Kamarajar Salai, Mylapore,
Chennai-004.

3. The District Collector,
Villupuram District,
Villupuram.

4. The Superintendent Of Police,
Villupuram District,
Villupuram.

5. The Assistant Director,
Department Of Mines And Minerals,
Villupuram.

6. The Tahsildar,
Vikkavandi Taluk,
Villupuram District.

7. The Inspector Of Police,



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Kandamangalam Police Station,
Villupuram District.

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8. Sowrirajan

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondent 3 to take necessary action against the 7th respondent and provide compensation to the petitioner's daughter's death based on the representation of the petitioner dated 16.08.2023.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader
(for R1 to R7);

Mr.K.S.Ilangovan for
M/s.Achari and Antoni Associates
(for R8).

ORDER

The writ petition has been instituted to direct the respondent 3 to take necessary action against the 7th respondent and provide compensation to the petitioner's daughter's death based on the representation of the petitioner dated 16.08.2023.

2. The payment of compensation by the Government would arise if



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any accident, occurs in a public place. In respect of accidents in public places, the Government has already formulated a scheme for payment of compensation. However, in the present case, the accident occurred in a private place belonging to the 8th respondent, who was running a brick kiln without license.

3. The FIR has been registered in Crime No.143/2023 U/s.304(A). Therefore, the petitioner is at liberty to claim compensation in the manner know to law.

4. In the present case, the Revenue Tahsildar, Vikkravandi Taluk, Villupuram District, addressed a letter to the District Collector, recommending for grant of compensation. It is for the District Collector to look into the claim on merits and in the manner known to law. However, the High Court cannot direct the authority to grant compensation in view of the fact that the accident occurred in a private place in an illegal brick kiln run by the 8th respondent in his property. Thus, the relief as such sought for cannot be granted.



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5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

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Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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S.M.SUBRAMANIAM. J.,

(sha)

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