



W.P.(MD)No.18079 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.18079 of 2021

T.Kala Sornabai

: Petitioner

Vs.

1.The Director General of Police,
Headquarters,
Beach Road,
Triplicane,
Chennai – 8.

2.The Deputy Inspector General of Police,
Tirunelveli Range,
Maharaja Nagar, Palayamkottai,
Tirunelveli -11.

3.The Commissioner of Police,
Tirunelveli City,
Palayamkottai,
Tirunelveli – 2.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to sanction a sum of Rs.10,00,000/- as financial assistance to the



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petitioner as per the Tamil Nadu Police Insurance Scheme Rules for police officers and personnel along with interest and directing the respondents to consider the petitioner's representation dated 27.02.2021.

For Petitioner : Mr.RM.Suresh

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader

ORDER

The matter is listed before this Court for the third time. On 20.08.2024, learned Special Government Pleader appearing for the respondents submitted that the prayer sought for in this Writ Petition has become infructuous, since the amount claimed by the petitioner has been rejected. The copy of the order rejecting the petitioner's claim was also placed on record before this Court. On 20.08.2024, there was no representation on the side of the petitioner and due to the said reason, the matter was posted under the caption 'for dismissal' on 03.09.2024. On the adjourned date ie., on 03.09.2024, learned Special Government Pleader appearing for the respondents once again reiterated her earlier submission that the prayer sought for in this Writ Petition has become infructuous. However, on 03.09.2024, learned Counsel for the petitioner was present. He had sought for a short adjournment to get instructions



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with regard to the submission made by the learned Special Government Pleader for the respondents that the prayer sought for in this Writ Petition has become infructuous. At the request of the learned Counsel for the petitioner, the matter was directed to be listed today.

2.Learned Counsel for the petitioner till date is unable to get instructions with regard to the submission made by the learned Special Government Pleader for the respondents. On the other hand, he would rely upon the Division Bench order dated 04.07.2018 made in W.A.No.1286 of 2014, which is enclosed in the typed set of papers filed before this Court and would submit that the petitioner's husband having died, as per the Insurance Scheme of the respondents, the petitioner is entitled to claim compensation of Rs.10,00,000/- as claimed in this Writ Petition. He would submit that whether the death is accidental or during the course of duty, the respondents are liable to pay the compensation. The respondents have rejected the petitioner's request for compensation on the ground that only due to his prolonged illness, the petitioner had died and therefore, the death did not happen during the course of his duty. As seen from the Division Bench judgment relied upon by the learned Counsel for the petitioner dated 04.07.2018 passed in W.A.No.1286 of 2014, it is clear that only if the police personnel had died during the course of his duty or it was an accidental death while



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on duty, the respondents are liable to pay compensation as per the Insurance Scheme provided by the respondents.

3.In the case on hand, the respondents have rejected the petitioner's request for compensation only due to the fact that the petitioner's husband did not die during the course of duty and it was also not an accidental death as he had died only due to his prolonged illness and it was a natural death. The petitioner has also not challenged the order passed by the respondent rejecting the petitioner's request for compensation. But in this writ petition, the petitioner has only sought for a Writ of Mandamus. Having not challenged the rejection order passed by the respondents rejecting the petitioner's request for compensation, the question of re-agitating the very same issue through this Writ Petition does not arise. Accordingly, there is no merit in this Writ Petition.

4.In the result, this Writ Petition is dismissed. There shall be no order as to costs.

05.09.2024

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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ABDUL QUDDHOSE, J.

MR

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