



W.P.(MD) No.9025 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.9025 of 2018

Nagammal, W/o.Murugesan (late)

... Petitioner

Vs.

1.Union of India,

Rep. by the Principal Secretary,
Ministry of External Affairs,
E - Block, Central Secretariat,
New Delhi.

2.Union of India,

Rep. by the Principal Secretary,
Ministry of Defence,
No.234, South Block, Central Secretariat,
New Delhi.

3.The Director General of Shipping,

Office of the Director General of Shipping,
Kanjurmarg (East),
Mumbai - 400 042.

4.State of Tamil Nadu,

Rep. by the Principal Secretary,
State of Tamil Nadu,
Home Department,
Fort St. George,
Chennai – 600 009.

5.The Chief of the Naval Staff,

Integrated Head Quarters of Ministry of Defence (Navy),
New Delhi -110 011.



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6.State of Tamil Nadu,
Rep. by the Commissioner of Fisheries,
O/o. the Commissioner of Fisheries,
Administrative Office Building,
Tenampet,
Chennai - 600 006.

7.The Director General of Police,
Office of Director General of Police,
Mylapore,
Chennai - 600 004.

8.The District Collector,
Office of the District Collector,
Ramanathapuram District.

9.The District Collector,
Office of the District Collector,
Kanyakumari District.

10.The Superintendent of Police,
O/o.The Superintendent of Police,
Ramanathapuram District.

11.The Commander,
Indian Coast Guard (East Region),
Rajaji St., Near Nepiar Bridge,
Chennai - 9.

12.The Inspector of Police,
Marine Police Station,
Colachel,
Kanyakumari District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents to take immediate action to find out the ship which cause death of the petitioner's husband while he fishing on the sea and take action in accordance with



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law, consequently, pleased to direct the respondents to pay Rupees One Crore compensation to the petitioner and her family for the death of the petitioner's husband by name, Murugesan and to provide employment to one of the family member of the petitioner on compassionate ground, within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R1 to R3, R5 and R11: Mr.S.Jeyasingh
Senior Panel Counsel

For R4, R6, R8 and R9 : Mr.S.P.Maharajan
Special Government Pleader

For R7, R10 and R12 : Mr.S.Manikandan
Government Advocate
(Criminal side)

ORDER

The petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.1,00,00,000/- to her and her family members on account of the death of her husband, who died on 30.01.2018.

2. The eighth respondent has filed a counter affidavit stating that the petitioner's family members have been paid a sum of Rs.1,00,000/- on 10.02.2021 in terms of G.O.(Ms)No.283, Animal Husbandry, Dairying and Fisheries (FS3) Department, dated 31.10.2013.



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3. The 11th respondent in his counter affidavit has stated that the details of four vessels, which were allegedly involved, were shared with the third respondent namely, the Director General of Shipping, Mumbai, which is the Investigating Agency in the instant case.

4. In the counter affidavit filed by the respondents 7, 10 and 12, it has been stated as follows:-

"7. Further the coastal security Group has only jurisdiction over 12 nautical miles and the sea patrolling is only up to 5 nautical miles. But the above occurrence took place at the 23 nautical mile distance which is far away from our jurisdiction and therefore by following the official circular memorandum issued by of the Director General Police, Tamilnadu in RC.No.12/A1/CSG/2010 dated 07.01.2010 regarding the transfer of cases from marine police stations to local stations. I transferred the above case after completing the first investigation to the Inspector of Police, Kanyakumari police station.

8. Thereafter on 14.03.2018 the SI of Police, Kanyakumari P.S. namely C.Jebastian Gracious received the C.D file of the above case and registered FIR in Cr.No.72/2018 for offences under section 280, 304 (A), 427 of IPC and boy missing and the Inspector of police Thiru. Jeyachandran, Kanyakumari P.S took the investigation of the above case and the same is pending. Therefore the respondent nos. 7, 10 & 12 are unnecessary parties to the above petition.



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9. Further the petitioner has come forward with a prayer of compensation for herself and her family. Regarding compensation these respondents are not responsible for the above accident. Therefore the above respondents are unnecessary parties to the above petition. Moreover the respondent no.11 is the competent person to trace the accused ship involved in the accident and it is also reliably learnt that the same is in progress. The above writ petition is a pre-matured one."

5. There are several disputed questions of fact and therefore, the prayer of the petitioner for compensation of Rs.1,00,00,000/- to be paid to her and her family members by any of the respondents, cannot be granted straightaway without proper facts on record.

6. Considering the fact that the third respondent is reportedly seized of the investigation, I am inclined to direct the third respondent to complete the investigation within a period of six months and give a copy of the report to the petitioner as also the other respondents in this Writ Petition, for the petitioner to work out her remedy in accordance with law.

7. It is also noticed that during the interregnum, the solatium that is payable by the Government in case of untoward incident involving the



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accident, resulting in death or permanent disability, the solatium has been increased. A sum of Rs.1,00,000/- which has been paid on 10.02.2021 appears to be far below the current rate that is payable.

8. Considering the same, the eighth respondent is directed to pay a further sum of Rs.1,00,000/- to the petitioner within a period of 30 days from the date of receipt of a copy of this order.

9. This Writ Petition stands disposed of with the above directions.

No costs.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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27.06.2024

To

- 1.The Principal Secretary,
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Ministry of External Affairs,
E - Block, Central Secretariat,
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- 2.The Principal Secretary,
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C.SARAVANAN, J.

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