



W.P.(MD) No.12739 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.12739 of 2017

S.Ayyanar

... Petitioner

/vs./

1.The Principal Secretary,
Ministry of Overseas Indian affairs,
Union of India,
Jaisalmer House,
Mansingh Road,
New Delhi 110 011.

2.The District Collector,
Office of the District Collector,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to consider petitioner's representation dated 09.06.2017 accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani



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For R1 : Mr.P.Palpandi

For R2 : Mr.J.K.Jeyaseelan
Government Advocate

ORDER

The writ petition had been filed seeking for a Mandamus to consider the petitioner's representation dated 09.06.2017.

2. The case of the petitioner is that his younger son died in an accident on 28.05.2014. However, one Narayanasamy, who had engaged him, had promised that he would get insurance policy within three months. However, without getting insurance policy for the death of his son, the said Narayanasamy had made a payment of Rs.4,00,000/- and had got obtained signature from him in blank papers. It is his belief that the said Narayanasamy had taken more amount as compensation, but had only paid the petitioner a sum of Rs.4,00,000/-. Hence, he had made a representation to the second respondent to get appropriate compensation for the death of his younger son. The said representation had not been disposed of and hence had sought for a Mandamus.



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3. The learned counsel appearing on behalf of the first respondent would submit that the accident had taken place in the year 2014 and the petitioner had only made a representation to the second respondent in the year 2017, that too after the period of three years from the date of death of his younger son. He would further submit that the said Narayanasamy seems to have not initiated any proceedings either under the Workmen's Compensation Act, 1952 or under the Motor Vehicles Act, 1988 before any Court at Malaysia. Now, 10 years have lapsed. Such an application could also not be made, as it is much beyond the period of limitation.

4. I have considered the rival submissions made by the learned counsel on either side.

5. Admittedly, the petitioner's younger son died on 28.05.2014 and the petitioner had approached the authorities only in the year 2017. Even though he had made allegations against the said Narayanasamy, he has not been made as a party in this writ petition. Further, the petitioner's elder son was also working at Malaysia at the relevant point of time. When that be so, no action was taken by



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the petitioner through his elder son, who was staying in Malaysia under the relevant provisions of law available in the country of Malaysia seeking for compensation for the death of his younger son.

6. Even though the learned counsel for the petitioner had claimed that it is for the first respondent to take appropriate action, the petitioner has also not submitted any representation to the first respondent. In such event, I do not find that the issue would be resolved by directing the second respondent to consider the representation of the petitioner, upon which the writ petition had been filed. Hence, I do not find any merits in this writ petition and accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Index : Yes / No

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Internet : Yes / No

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To

The District Collector,
Office of the District Collector,
Sivagangai District.

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K.KUMARESH BABU, J.

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