



W.P(MD)No.8481 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.8481 of 2025

M.Pradeep

... Petitioner

Vs.

The District Legal Service Authority,
Office of the District Legal Service Authority,
Sivagangai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider petitioner's representation made on 05.02.2025 within a stipulated period fixed by this Court and consequently direct the respondent to disburse the compensation amount of the petitioner awarded by the Sessions Judge, Sivagangai District by the judgment in S.C.No.67 of 2013, dated 27.08.2019 as earliest as possible and pass such further or other orders as this Court.

For Petitioner : M/s.A.Mahalakshmi



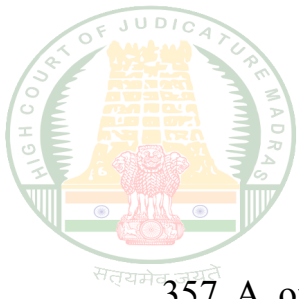
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ORDER

The petitioner seeks for a Writ of Mandamus to direct the respondent to consider the petitioner's representation, dated 05.02.2025 within a stipulated period fixed by this Court and consequently, direct the respondent to disburse the compensation amount of the petitioner awarded by the Sessions Judge, Sivagangai District by the judgment in S.C.No.67 of 2013, dated 27.08.2019 as earliest as possible.

2. The petitioner states that he and one Sharmila were born to Murugesan and Bharadhi Devi. The said Murugesan is accused of having murdered his wife Bharadhi Devi, the mother of the petitioner. A charge sheet was filed by Poovanthi Police Station in Crime No.122 of 2012. It was taken on file as S.C.No.67 of 2013 on the file of the learned Principal Sessions Judge, Sivagangai. By way of judgment, dated 27.08.2019, the learned Principal Sessions Judge convicted, the father of the petitioner, Mr.Murugesan for offence punishable under Section 302 of the Indian Penal Code, 1860. The learned Principal Sessions Judge was of the view that since the children are minors, he recommended that the children be paid compensation under Section



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357 A of the Criminal Procedure Code of 1973 and under the Tamil Nadu Victim Compensation Scheme for Women Victim / Survivors of Sexual Assault / other Crimes, 2018.

3. The petitioner has pleaded in the affidavit that no compensation was received from the District Legal Services Authority and that he made a representation on 05.02.2025. Since no action has been taken, he was constrained to file the present writ petition.

4. When the matter came up in the forenoon today, after hearing the arguments of M/s.A.Mahalakshmi and perusing the records, I requested the Registrar (Judicial) attached to this Court to get in touch with the District Legal Services Authority, Sivagangai and to find out as to why the order of the learned Principal District and Sessions Judge, dated 27.08.2019 had not been complied with.

5. The Registrar (Judicial) has brought forth before this Court that the Secretary of the District Legal Services Authority, Sivagangai had conducted an enquiry on 03.02.2020 and had fixed a compensation of Rs.7,00,000/- for



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the petitioner and his sister. Out of this amount, the petitioner was granted a sum of Rs.3,00,000/- compensation and Rs.4,00,000/- for his sister. The amount was to be disbursed under Rule 11 of the Tamil Nadu Victim Compensation Scheme for Women Victim / Survivors of Sexual Assault / other Crimes of 2018. It transpires that, after this award was passed, by way of a proceeding in D.No.1027/2024, dated 02.08.2024, the parties were called upon to come and receive the amount along with their guardian. Despite the same, the petitioner and his sister had not approached the District Legal Services Authority to receive the amount, but have come forward with the present writ petition. All these facts had been suppressed in the affidavit.

6. This Court could have dismissed the writ petition on the ground of suppression of material facts. The petitioner has deliberately suppressed the proceedings, dated 03.02.2020 whereunder, the amount of compensation was finalised and the apportionment had also been made for the victims.

7. Yet, taking into consideration that the petitioner lost his mother at a very young age, this Court is not inclined to dismiss the writ petition. The



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petitioner, as on today, is aged about 22 years and therefore, there is no necessity for a guardian to withdraw the amount, that has been ordered.

8. The District Legal Services Authority at Sivagangai shall issue a cheque in the name of the writ petitioner for a sum of Rs.3,00,000/- together with the accrued interest, if any, after following the due procedures within a period of two weeks from today.

9. This writ petition is ordered on the above terms. There shall be no order as to costs.

10. Call on **17.04.2025** under the caption 'For Reporting Compliance'.

27.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The District Legal Service Authority,
Office of the District Legal Service Authority,
Sivagangai District.



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V.LAKSHMINARAYANAN, J.

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