
(2011) 07 MAD CK 0030
In the Madras High Court
Case No : Writ Petition No. 21620 of 2004

N. Karuppayal

APPELLANT

Vs

The State

RESPONDENT

Date of Decision : 04-07-2011

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : (2011) 07 MAD CK 0030

Hon'ble Judges : T. Raja, J

Bench : Single Bench

Advocate : N. Manokaran, for the Appellant; S.V. Duraisolaimalai, A.G.P. for R1 to R3, for the Respondent

Final Decision : Dismissed

Judgement

T. Raja, J.—The Petitioner has come to this Court seeking for issuance of writ of mandamus directing the Respondents to pay compensation

of Rs. 5,00,000/-to the Petitioner for the death of her son S. Mani due to the police firing in front of Manjoor Police Station on 16.10.1990.

2. The learned Counsel for the Petitioner submits that the Petitioner is an agricultural labour. While so, her eldest son by name S. Mani was

working as a lorry driver. He was getting a monthly salary of Rs. 2,500/-and with that income, her family was leading their livelihood.

Unfortunately, on 16.10.1990, there was some dispute in between one Thomson and the then Sub Inspector of Police Mr. Ravichandran,

Manjoor Police Station. In that connection, the said Thomson was taken to the Police Station. Immediately after knowing the police enquiry, one

Jayanthi, wife of Thomson had also reported the matter to the villagers, with the result the entire villagers came to the Police Station and there was

commotion in front of Police Station and when the situation was not under control, the Sub Inspector of Police opened fire at the crowd, in which,

two persons were died including the Petitioner's son S. Mani and five persons got injured.

3. Subsequently, a writ petition was filed praying for relief of direction directing the first Respondent to sanction a sum of Rs. 1,00,000/-from the

Chief Minister's Relief Fund to the family of the victim. Though after some time, the first Respondent sanctioned a sum of Rs. 1,00,000/-for each

of the deceased family from the Chief Minister's public relief fund, after several negotiations, the Government came forward to give alternative

employment to one of the Petitioner's son. The Petitioner's youngest son was also finally accommodated as office Assistant on compassionate

appointment by the District Collector, Nilgiris.

4. Inspite of the fact that the Petitioner's youngest son was given compassionate appointment, the Petitioner's husband has filed the writ petition in

W.P. No. 15918 of 1991 seeking a direction to the Government of Tamil Nadu to sanction a sum of Rs. 1,00,000/-from the Chief Minister's

Relief Fund as recommended by the Collector of Nilgiris in his proceedings D.O.C.2/102320/90 dated 20.11.1990. While dealing with the order

dated 4.2.1999 in W.P. No. 15918 of 1991, this Court observed the following and dismissed the writ petition.

8. After going through the recommendation made by the District Collector, initially I was of the view that the Petitioner has to be compensated

adequately and the payment of Rs. 15,000/-on two occasion for the death of his son would not be sufficient. However, learned Counsel or the

Petitioner, after getting fresh instruction, reports that, in pursuance of the order of the Government referred to above, one of the sons of the

Petitioner was given employment by the District Collector, Nilgiris on compassionate ground. In the light of the fact that one of the family members

of the victim was given employment in the Government service, the grievance or the burden of the Petitioner family has been reduced to some

extent. Accordingly, I do not find any justifiable ground to issue direction for payment of balance amount of Rs. 85,000/-from the Chief Minister's

Public Relief Fund to the Petitioner's family as recommended by the District Collector. Accordingly, the writ petition fails and the same is

dismissed. No. costs. It is made clear that, still if the Petitioner has any grievance, it is open to him to make appropriate representation to the Government if he is otherwise eligible to apply for the same.

9. Net result, the writ petition fails and the same is dismissed.

5. Since the Petitioner's family was adequately compensated by the Respondents by providing compassionate appointment to one of the sons of

the Petitioner by the District Collector, Nilgiris, I do not find any merit in the writ petition for granting the relief. When this Court has already

considered the very same prayer in the above mentioned order, in all fairness, the Petitioner should not have come up by filing one more writ petition.

6. Further, when the Collector of Nilgiris has announced a sum of Rs. 1,00,000/- towards the solatium to the dependents of the deceased from the

Chief Minister's public relief fund in his proceedings No. D.O.C2.102320/90 dated 20.11.1990, the Petitioner's family was sanctioned with a

sum of Rs. 10,000/- on 17.1.1991, another sum of Rs. 5,000/- was also given on the spot as "on the spot relief". After receipt of Rs. 15,000/-, the

Petitioner's husband has come to this Court by filing W.P. No. 15918 of 1991, seeking a direction to the Government of Tamil Nadu to sanction a

sum of Rs. 1,00,000/- from the Chief Minister's public relief fund to the Petitioner's family, as recommended by the District Collector in his

proceedings dated 20.11.1990. This Court, by taking note of the same that the Petitioner's son was given alternative employment by the District

Collector, Nilgiris on compassionate ground, finally found that there is No. justifiable ground for payment of balance amount of Rs. 85,000/- from

the Chief Minister's relief fund as recommended by the District Collector and refused to give any direction to grant the balance of Rs. 85,000/-.

The question of reconsidering the prayer of payment of compensation does not arise.

7. The learned Counsel for the Petitioner further brought to the notice of this Court a judgment of this Court reported in (2011) 1 MLJ 280

[Sangaiyya v. State of Tamil Nadu] for the proposition that State is liable to pay monetary compensation to the victims for deprivation of

fundamental right to life guaranteed under Article 21 of the Constitution of India.

8. The decision relied on by the learned Counsel for the Petitioner may not apply

to the facts of the present case. The reason given is this is not the case where the Petitioner's family was left out not taking care of by nobody or not given any employment. Admittedly, in the present case, the District Collector, Nilgiris had already given an employment to one of the sons of the Petitioner on compassionate ground. Therefore, this Court deems it fit not to consider the prayer for payment of any more compensation, since the Petitioner's youngest son was already given employment on compassionate ground. The Petitioner has to live with his son and it is the duty of the son, in whose favour the compassionate appointment was given, to take care of the Petitioner.

9. With the above observation, the writ petition stands dismissed. No costs.