

WP NO. 1651 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: **21-01-2025**  
CORAM  
**THE HONOURABLE MR JUSTICE S.M. SUBRAMANIAM**  
**AND**  
**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**WP NO. 1651 of 2025**  
**&**  
**W.M.P.No.1890 of 2025**

M.Depalaksmi  
W/o.Mudikondan, No.1, Annasalai, Periyar  
Nagar South Viruthachalam-606 001, Cuddalore  
District.

Petitioner(s)

Vs

The Additional Chief Secretary To Government  
Home, Prohibition And Excise Department,  
Secretariat, Chennai-600 009. and 2 Others

Respondent(s)

**For Petitioner(s):**

Mr.P.Pugalenthi

**For Respondent(s):**

Mr.R.Muniyapparaj, Additional Public Prosecutor For  
R1 To R3.

Mr.V.Vijay Shankar, Standing Counsel For R4.

**ORDER**

(Order of the Court was made by the Hon'ble S.M.Subramaniam J.)

The Writ of Mandamus has been instituted to direct the respondents  
to ensure A-Class privileges already conferred to the husband of the Writ

Petitioner, who is the Convict Prisoner No.4109, Mr.Senthilkuamr @ Mudikondan, S/o Mr.Prakalathan, aged about 40 years, presently confined at Central Prison, Vellore.

2. Learned counsel for the petitioner would submit that 20% of the wages from the prisoner's salary are deducted for settling the victim compensation.

3. It is further contended that newspapers are censored beyond the permissible limit, and the exercise has been carried out by the prison authorities at their whims and fancies. The A-Class privileges, as provided under Rule 233 of Tamil Nadu Prison Rules has not been followed by the prison authorities is the representation by the petitioner on behalf of her husband/convict prisoner. The Government issued G.O.Ms.856, Home (Prison.III) Department, dated 01.10.2009, notifying the Tamil Nadu Victim Compensation Fund Rules, 2009. Accordingly, all payment of victim compensation may be paid from the Tamil Nadu Victim Compensation Fund constituted under the said Rules.

4. Rule 2(I) defines "*Victim Compensation Fund means the fund created from the 20 percent of wages deducted from the prisoners employed in Industries or maintenance work in a prison*". Therefore, the Victim Compensation Fund has been created from and out of the wages recovered from the prisoners. Thus, the prisoners are entitled to question the correctness of the payment made by the competent prison authorities. They are contributing their own wages for settling compensation to the victims. Therefore, they have got every right to question the action or inaction, omission or commission of the prison authorities in the matter of settling the victim compensation under the provisions of the Tamil Nadu Victim Compensation Fund Rules, 2009.

5. Since serious doubts are raised by the petitioner regarding settlement of victim compensation fund, consideration of issues are required.

6. Learned counsel for the petitioner relied on a print copy from the Times of India dated 08.11.2018, wherein it is published that "*A misplaced sense of honour and poor awareness have resulted in about Rs*

*11.61 crore of Victim Compensation Fund lying unused with the prison department. Only 419 victims have availed themselves of the fund in the last eight years, and a sum of Rs 1.97 crore was disbursed. The remaining Rs 11.61 crore lies unspent."*

7. In view of the above circumstances, this Court is inclined to order for conducting an audit of accounts under Rule 10 of Tamil Nadu Victim Compensation Fund Rules, 2009. Rule 10 contemplates that "*The accounts of the District Level Committee shall be audited by the Internal Audit and by the Accountant General.*" Maintenance of accounts are contemplated under Rule 9 and accordingly, the Superintendent of Prisons shall maintain on behalf of the District Level Committee, necessary accounts for receipts and expenditure as per the financial procedure of the State Government. Disbursement of Victim Compensation is stipulated under Rule 8.

8. In view of the facts and circumstances, this Court is inclined to Suo motu implead the Accountant General of Tamil Nadu (Audit), Office of Accountant General, Teynampet, Chennai -600 018 as 4th

respondent in the present Writ Proceedings. The Accountant General of Tamil Nadu (Audit) is directed to depute a team of Accounts Officers to conduct audit of accounts under Rule 10 of the Tamil Nadu Victim Compensation Fund Rules, 2009 and find out the correctness of the accounts maintained and regarding the genuinity of the payments made to the victims under the Tamil Nadu Victim Compensation Fund. The audit shall be conducted within a period of two weeks in all the 8 Central Prisons across the Tamil Nadu, where a District Level Committee has been constituted under Rule 5 of the Tamil Nadu Victim Compensation Fund Rules, 2009 and a report from the Accountant General of Tamil Nadu (Audit) shall be submitted before this Court on 30.01.2025.

9. Mr.V.Vijay Shankar, learned Standing Counsel takes notice 4<sup>th</sup> respondent.

10. Meanwhile, the learned Additional Public Prosecutor would submit that a report will be filed by the Authorities regarding the actions taken against the grievances set out by the petitioner in the present Writ Petition.

11. Thus, respondents 2 and 3 are directed to submit a report before this Court on 27.01.2025.

12. Post the matter on 27.01.2025.

**(S.M.SUBRAMANIAM J.) (M.JOTHIRAMAN J.)**  
**21-01-2025**

GD

***Note: Issue order copy by today (i.e., 21.01.2025)***

To

1. The Additional Chief Secretary To Government  
Home, Prohibition And Excise Department,  
Secretariat, Chennai-600 009.

2. The Accountant General of Tamil Nadu (Audit), Office of Accountant  
General, Teynampet, Chennai -600 018

3. The Director General Of Police /  
Inspector General Of Prisons And Correctional Service, Whannels Road,  
Egmore Chennai-600 008.

4. The Superintendent Of Prison  
Central Prison, Vellore -632 002

**S.M.SUBRAMANIAM, J.**  
**AND**  
**M.JOTHIRAMAN, J.**

*gd*

**W.P.No.1651 of 2025**

**21.01.2025**