

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C).No. 6981 of 2010 (W)

PETITIONER(S) :

R.SIROSH,
S/O.LATE RAMAKRISHNAN,
PURAYADATHU PUTHEN PARAMBIL,
AZHEECKAL.P.O., KOLLAM.

BY ADV. SRI.M.R.SASITH.

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY,
SECRETARIAT,
THIRUVANANTHAPURAM.
2. PRINCIPAL SECRETARY TO GOVERNMENT,
DISASTER MANAGEMENT, T R P CELL DEPARTMENT,
THIRUVANANTHAPURAM.
3. DISTRICT COLLECTOR,
COLLECTORATE, KOLLAM.
4. TAHSILDAR,
KARUNAGAPPALLY, KOLLAM.

BY SENIOR GOVERNMENT PLEADER SRI.SOJAN JAMES.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT-P1- TRUE COPY OF THE DAMAGE SHOPS OF PETITIONER.

EXHIBIT-P2- TRUE COPY OF THE REPRESENTATION GIVEN BY THE
PETITIONER'S FATHER TO THE 2ND RESPONDENT.

EXHIBIT-P3- TRUE COPY OF THE LIST FULLY LANGUAGES SHOP PREPARED BY
THE TALUK.

EXHIBIT-P4- TRUE COPY OF THE REPRESENTATION GIVEN BY THE PETITIONER
TO THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

ANIL K.NARENDRA, J.

W.P.(C)No.6981 of 2010

DATED THIS THE 20TH DAY OF MAY, 2015

JUDGMENT

The petitioner has filed this writ petition seeking a writ of mandamus directing the respondents to disburse a sum of ₹1,25,000/- as compensation towards the loss sustained in the 'tsunami' disaster occurred on 26.12.2004. He has also sought a writ of mandamus commanding the third respondent to consider Ext.P4 representation submitted on 15.12.2008 within a time limit that may be fixed by this Court.

2. From the documents on record, it is seen that the petitioner's father late Ramakrishnan was conducting a retail shop and provision store in shop rooms bearing Nos.AP III 234 and 235 (old Nos.AP II 308A and 308B) in Alappad Grama Panchayat. He has submitted Ext.P2 representation before the third respondent alleging that the said shop rooms were destroyed and all the articles stored in those shop rooms worth ₹1,60,000/- were lost in the tsunami disaster occurred on 26.12.2004. Therefore, in Ext.P2 he has requested the third respondent to release adequate compensation.

3. Going by the averments in the writ petition, petitioner's

father expired on 27.5.2008. Based on Ext.P3 list of fully damaged shops and other buildings identified in Alappad Grama Panchayat, the petitioner moved Ext.P4 representation before the third respondent claiming a total compensation of ₹1,25,000/- for the damage/loss sustained to the shops in the 'tsunami' disaster. In Ext.P4 representation, the petitioner has also pointed out that the Revenue officials have informed him that the maximum compensation that can be payable to a victim of 'tsunami' disaster is only ₹10,000/-, which has already been sanctioned, as borne out from Ext.P3 list. During the pendency of Ext.P4 representation, the petitioner has approached this Court in this writ petition seeking various reliefs.

4. A counter affidavit has been filed on behalf of the first respondent in which it has been stated that building Nos.234 and 235 in which a small scale stationery shop was conducted by the petitioner's father was damaged partially in the tsunami disaster and a proper compensation of ₹10,000/- was sanctioned to him as per I.D.No.2225 in Ext.P3 list and that since the maximum compensation payable in this regard is only ₹10,000/-, the amount now claimed by the petitioner cannot be admitted. The learned

Senior Government Pleader has also submitted that the third respondent shall send a proper reply to Ext.P4 representation submitted by the petitioner, if the same is still pending consideration.

5. In such circumstances, without going into the merits of the rival contentions, this Writ Petition is disposed of with the following direction.

If Ext.P4 representation submitted by the petitioner is still pending consideration, the third respondent shall consider the same and pass appropriate orders thereon, strictly in accordance with law, as expeditiously as possible, at any rate within a period of three months from the date of receipt of a certified copy of this judgment.

Sd/-
ANIL K.NARENDRA, JUDGE

dsn