

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WP(C).No. 36957 of 2009 (L)

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AGAINST THE AWARD DATED 4.6.09 IN OP (TSUNAMI VICTIM) NO. 81/09 OF
PERMANENT LOK ADALATH, THIRUVANANTHAPURAM
-----**

PETITIONER(S) :

- 1. THE FISHERIES INSPECTOR,
DEPARTMENT OF FISHERIES, AROOR, ALAPPUZHA DISTRICT.**
- 2. THE FISHERIES OFFICER,
KERALA FISHERIES WELFARE FUND, MUHAMMA
THANNEERMUKKOM P.O., ALAPPUZHA DISTRICT.**

BY SR. GOVT. PLEADER SRI. K.R. GANESH

RESPONDENT :

**GOPALAN,
S/O. PURUSHOTHAMAN,
KOCHUPARAMBIL, AROOR P.O.,
ALAPPUZHA DISTRICT.**

BY ADV. SRI. K.T. SHYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 36957 of 2009 (L)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE JUDGMENT DATED 15.10.2008 IN WP(C) NO. 33857/2005.

EXT.P2 PHOTOCOPY OF THE AWARD DATED 4.6.2009 IN OP (TSUNAMI VICTIM)
NO. 81/2009.

EXT.P3 COPY OF THE NOTIFICATION DATED 3.7.2006.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J

W.P(C) No. 36957 of 2009

Dated this the 03rd day of August, 2015

J U D G M E N T

The petitioner in the original petition is aggrieved with the fact that the petitioner was not granted the Tsunami compensation for the destruction caused to his Chinese Fishing net in the Tsunami tidal wave attack which hit the Kerala coast on 26.12.2006. The permanent Lok Adalath, Thiruvananthapuram, by Ext.P2 considered the case of the petitioner and granted Rs. 20,000/-as against the claim of Rs.50,000/-. Against which the State has filed the above writ petition.

2. The learned Government Pleader submits that the impugned order is without jurisdiction, going by Ext.P3, wherein, the Permanent Lok Adalath has jurisdiction only in respect of one or more public utility services, as has been laid down in the said notification. The learned counsel for the respondents would contend that it was by Ext.P1 that the matter was referred to the

Permanent Lok Adalath and there could be no challenge made at this point of time.

3. It is to be noticed that Ext.P1 merely directed consideration by the Permanent Lok Adalath and it do not find the claim to be one which is maintainable before the Permanent Lok Adalath (PLA). The notification Ext.P3 refers to one or more public utilities as has been laid down therein and definitely the issue raised herein would not be covered. Hence it has to be accepted that the question of maintainability ought to have been considered by the PLA. However, it is not seen that the Government raised a specific contention even before the PLA and the judgment at Ext.P1 was also not challenged. In such circumstance, this Court does not find any reason to interfere with Ext.P2, especially in the context of the report of the Deputy Director, Fisheries that the respondent was a fisherman and had a Chinese net which had suffered damage in the Tsunami tidal wave hit.

The writ petition hence would stand dismissed. The petitioner shall be paid the said amounts within two months from the date of receipt of a certified copy of this judgment.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge