

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35476 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondents. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“to issue a Writ in the nature of Writ of Mandamus or in appropriate Writ or order or direction to the Respondents holding that the action on the part of Respondents in declaiming Exgratia relief to the Petitioner as illegal, arbitrary and violation of fundamental rights guaranteed under the Constitution of India, and to direct the Respondents to pay Gratuitous relief of Rs 5,00,000/- (Rupees Five Laths Only) to the Petitioners herein as per G.O.Ms. No.1, Revenue (D.M.-I) Department, dated 04-05-2015, within a time bound period.”

3. Grievance of the petitioner is that on 13.07.2015 while Kamma, who is wife of the petitioner, was proceeding for weeding out in cotton fields along with others, she was hit by thunder bolt causing instantaneous death. In respect of the said incident, a case in Crime No.79 of 2015 came to be registered and the post mortem examination revealed that the victim died due to “Cardio respiratory arrest due to electrocution by Thunderbolt”. In view of the above,

the petitioner seeks compensation under G.O.Ms.No.2, Revenue (DM.II) Deptt, dated 15.06.2015.

4. It is to be noted that the petitioner has not made any application before the competent authority seeking payment of compensation. That being the position, one cannot expect the authorities to award compensation on their own. The petitioner has to file an application before the concerned authority, upon which the authority will decide the issue as to whether the petitioner is entitled for compensation or not.

5. In view of the above, the petitioner shall make an application before the District Collector, Mahaboobabad, seeking compensation, within four (04) weeks from today, in which event, the same shall be dealt with, in accordance with law, at the earliest, after hearing the petitioner.

6. Accordingly, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:21.10.2016
INL