

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.3684 of 2018

M.Shanthi
W/o.Mani

.. Petitioner

Vs.

1.The Government of Tamil Nadu
Department of Animal Husbandry
Maintenance Milk & Fisheries (F-6)
Rep. by its Secretary
Fort St.George, Chennai-9.

2.The State Disaster Management Authority
State Executive Committee
Rep. by its Secretary
Fort St.George, Chennai-9.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to implement the announcement C.No.150, dated 13.12.2016, of the Hon'ble Chief Minister of Tamil Nadu / the 2nd respondent and to pay the agreed amount of Rs.4 Lakhs to the petitioner.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents to implement the announcement made by the Government of Tamil Nadu dated 13.12.2016, for payment of compensation to the victims affected by the Vardha Storm.

3. According to the petitioner, her husband and 11 others went to sea on 04.12.2016, for fishing through two boats and got stranded in the Vardha storm. It is further stated that though the other fishermen, who went along with her husband managed to reach the shore, her husband was drowned due to high tide. It is also stated that a criminal case in Crime No.132 of 2016 was also registered under Section 174 of Cr.P.C. The petitioner further claims that though the Government of Tamil Nadu has announced for payment of compensation to the family of the victims affected in the Vardha Storm, however, the petitioner was not given any such financial benefit. Therefore, the petitioner has filed the present writ petition seeking for the relief as stated supra.

4. Heard both sides.

5. Though it is contended by the petitioner that she is entitled to the financial assistance / compensation from the Government of Tamil Nadu, in view of the above said facts and circumstances, it is admitted by the learned counsel for the petitioner that she has not made any application or request before the Government so far.

6. Needless to say that before seeking a writ of mandamus from this Court, there must be a demand made in writing to the concerned authorities. Without making such request, the petitioner has straight away filed the present writ petition, which, in my considered view is not proper course of action. Hence, the petitioner has to approach the first respondent - Government of Tamil Nadu and make necessary application seeking for such financial assistance under the above said scheme. Thus, this writ petition is disposed of, by granting liberty to the petitioner to approach the first respondent and file necessary application seeking for such financial assistance / compensation. If any such application is filed, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law, as expeditiously as possible. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary
The Government of Tamil Nadu
Department of Animal Husbandry
Maintenance Milk & Fisheries (F-6)
Fort St.George, Chennai-9.

2.The State Disaster Management Authority
State Executive Committee
Rep. by its Secretary
Fort St.George, Chennai-9.

+1cc to Mr.P.Vijendran, Advocate, S.R.No.12955

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RRK(05/03/2018)



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