

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.07.2018

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THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.12757 of 2012

Kala

... Petitioner

Vs

1. The Commissioner,
Fisheries Department,
Department.
2. The Managing Director,
National Federation of Fisherman's
Co-operative Ltd.,
No.7, Savita Vihar,
Institutional Area,
New Delhi-11 076.
3. The Assistant Director,
Fisheries Department (Marine),
Cuddalore-3.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to disburse the relief amount to the petitioner for the accident claim in which her husband died while fishing in the Sea on 11.12.2002 at Cuddalore within the time limit fixed by this Court.

For Petitioner : Mr.M.Vijayakumar

For Respondent : Ms.Rose Kamalam,
Government Advocate

O R D E R

Heard Mr.M.Vijayakumar, learned counsel for the petitioner and Mrs.P.Rosekalam, learned Government Advocate appearing for the respondents.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Mandamus directing the 1st respondent to disburse the relief amount to the petitioner for the accident claim in which her husband died while fishing in the Sea on 11.12.2002 at Cuddalore within the time limit fixed by this Court."

3. The petitioner's husband who was fisherman in profession, had died in the Sea while fishing on 11.12.2002. Because of the death of the petitioner's husband, the deceased being only the breadwinner of the family, the entire family has been pushed to the edge of poverty. In these circumstances, the petitioner had applied for relief before the respondents. On the accident caused resulting in the death of the petitioner's husband, a case was registered by the police in FIR No.136 of 2002, dated 11.12.2002. Thereafter, the Death Certificate and the Legal Heir Ship Certificate were also submitted to the respondents for grant of the relief. The claim for relief has also been taken on file by the respondents. However, till date, there was no action forthcoming particularly by the 2nd respondent in considering the claim favorably. Therefore, the petitioner has approached this Court seeking to issue a Writ of Mandamus.

4. Upon notice, Ms. Rose Kamalam, the learned Government Advocate entered appearance and filed a detailed counter affidavit.

5. In the counter affidavit, the steps taken in regard to the relief of the petitioner had been elaborated in paragraph-4, which is extracted below:

"4) With regards to para 4 of the writ affidavit it is submitted the then Assistant Director of Fisheries (Marine) Cuddalore recommended and sent the proposal of the death claim insurance to the Director of Fisheries on 13.06.2003 vide No.961/C/2003 dated 13.06.2003 with required details and the same was also forwarded to the Managing Director, National Federation of Fisherman's Co-operative Ltd., 7a, Sarita Vihar, Institutional area, New Delhi-110 044 on 23.06.2003 by the Director of Fisheries, Chennai vide his file R.C.No.30679/C4/2003 dated 23.06.2003. The MD.FISHCOPFED, New Delhi has stated that the claim has been rejected and requested to resubmit the claim with valid documents like Chemical Analysis Report with final opinion as to the cause of death. I further submit that the additional

particulars viz Chemical analysis report and Post Mortem report as called for by the Director of Fisheries also sent by our office on 20.11.2003 and the proposal was resubmitted with the Chemical Analysis Report with final opinion as to the cause of death to the Managing Director, National Federation of Fisherman's Co-operative Ltd., 7a, Sarita Vihar, Institutional area, New Delhi-110 044 on 28.11.2003 by the Director of Fisheries, Chennai. No objection Certificate from other legal heir was also sent on 08.12.2003 to the Director of Fisheries, Chennai."

6.The learned Government Advocate would submit that in view of steps being taken on the basis of the recommendation, a direction may be issued to the second respondent to dispose of the claim within a stipulated time.

7.Considering the limited prayer sought in the writ petition, this Court directs the 2nd respondent to dispose of the claim for relief of the petitioner on the death of her husband in the Sea on 11.12.2002, within a period of eight weeks from the date of receipt of a copy of this order. Since the husband of the petitioner had died as early as on 11.12.2002, it is needless to mention that the authorities shall comply the direction within the stipulated time strictly, without any further delay and provide proper relief to the petitioner. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Fisheries Department,
Department.
2. The Managing Director,
National Federation of Fisherman's
Co-operative Ltd.,
No.7, Savita Vihar,
Institutional Area,
New Delhi-11 076.

3. The Assistant Director,
Fisheries Department (Marine),
Cuddalore-3.

+1cc to Mr.M.Vijaya Kumar, Advocate, S.R.No.43521

+1cc to the Government Pleader, S.R.No.43621

GSP (24/07/2018)



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