

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.10.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29123 of 2014
and
W.M.P.No.5206 of 2017

S.V.Rajan, @ Rajarajan ..Petitioner
Proprietor, M/s.Sunil Industries

vs

1.Government of Tamil Nadu,
Rep.by its Secretary,
Revenue Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Cuddalore District.

3.Project Officer and General Manager,
District Industries Centre,
Cuddalore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 3rd Respondent in Na.Ka.No.160/A2/2013 dated 08.03.2013 and consequential order dated 14.05.2013 in Na.Ka.No.160/A2/13 and quash the same and further direct the Respondents to release the Thane Cyclone Relief Fund of Rs.11,66,530/- to the Petitioner as assessed by the Insurance Surveyor/Loss Assessor within a stipulated period as fixed by this Hon'ble Court.

For Petitioner : Mr.S.Parthasarathy

For Respondents : M/s.Shrijayanthi, Spl GP

O R D E R

The order of rejection dated 14.05.2013, in respect of the claim of the writ petitioner for claiming compensation is under challenge in this writ petition.

2.The writ petitioner submitted an application for grant of compensation on account of the destruction of his Factory during the Cyclone period. The said application was considered by the respondents and rejected on the ground that no such Industry was in existence in the said place as per the claim of the writ petitioner.

3.The learned Special Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the Unit namely, M/s.Sunlit Industries is not in existence. However, the premises is said to be functioning as a Godown as mentioned in the report submitted by the Committee.

4.It is contended that the Committee constituted for the purpose of verification, inspected the premises by considering the claim of the writ petitioner and submitted a report, stating that the Company was not in existence. In such an event, this Court cannot go into the other merits raised by the writ petitioner in view of the fact that the Committee constituted for the purpose of identification, submitted a report, stating that the Company mentioned by the writ petitioner was not in existence. Thus, this Court cannot adjudicate such a factual disputes in the present writ petition. If at all, the writ petitioner is an aggrieved person, it is left open to him to establish such factual details before the competent authorities. Accordingly, this Court do not find any infirmity in respect of the impugned order.

5.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

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सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai - 600 009.

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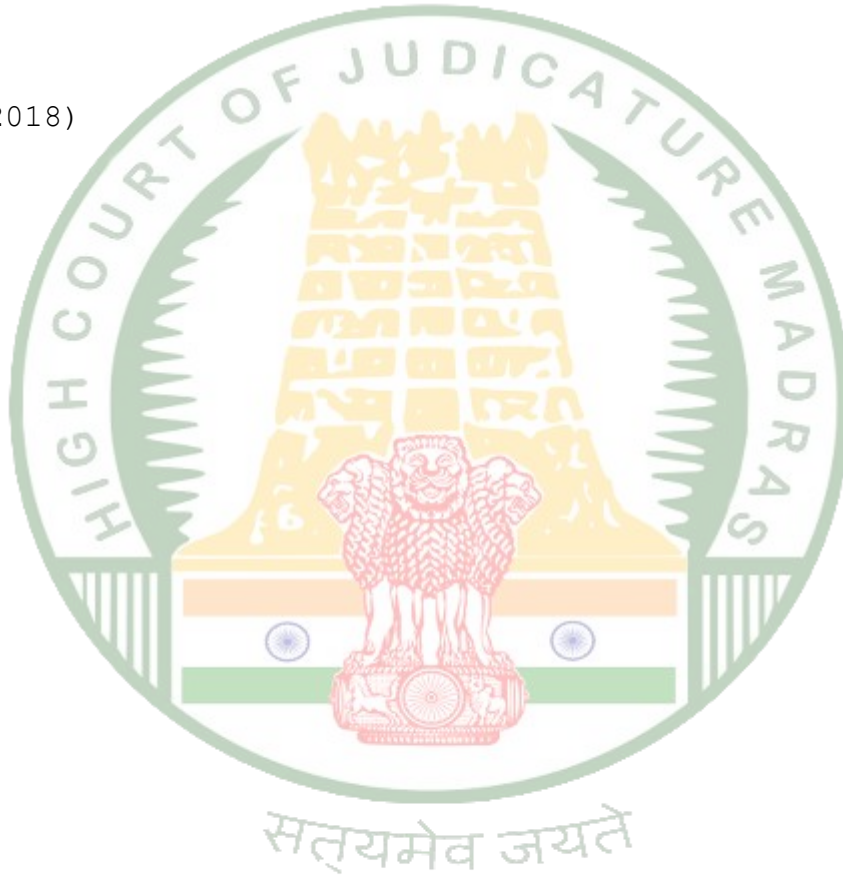
2.The District Collector,
Cuddalore District.

3.Project Officer and General Manager,
District Industries Centre,
Cuddalore.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No. 72246
+1cc to the Government Pleader, S.R.No. 72443

W.P.No.29123 of 2014

EV(CO)
GN(15/11/2018)



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