

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19179 of 2018

Shoba

.. Petitioner

-vs-

1. The Chief Secretary,
Namakkal Kavignar Maaligai,
Fort St. George, Chennai,
Tamil Nadu.
2. The Secretary,
Revenue and Disaster Department,
Fort St. George,
Chennai.
3. The District Collector,
O/o.The Collectorate,
Karuppa Gaundanpalayam,
Tiruppur District.
4. The Tahsildar,
Madathukulam Taluk,
Tiruppur District,
Tamil Nadu.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 3rd respondent to disburse the relief amount to the petitioner as per the Government Order in G.O. (Ms.) No.380 dated 27.10.2015 and G.O.(Ms.)No.246 dated 03.08.2017 based on the recommendation of the Tahsildar in Na.Ka.No.296/2015/A3 dated 31.3.2017.

For Petitioners

:: Mr.S.Saravanan

For Respondents

:: Mrs.P.Rajalakshmi
Addl. Govt. Pleader

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 3rd respondent to disburse the relief amount to the petitioner as per the Government Order in G.O. (Ms.) No.380 dated 27.10.2015 and G.O.(Ms.)No.246 dated 03.08.2017 based on the recommendation of the Tahsildar in Na.Ka.No.296/2015/A3 dated 31.3.2017.

2. Learned Counsel appearing for the petitioner submitted that the petitioner has given birth to two daughters and one son. On 09.05.2014, her elder daughter by name Jeevitha met with a fire accident in her house, while she was cooking and her dress was also caught in fire. However, the petitioner's husband having seen the fire accident hurriedly wrapped her in thick cloth and took her to Udumalai Government Hospital by a private ambulance. Unfortunately, she died in the hospital on the same day. A criminal case was also registered in Crime No.93/2014 under Section 174 of Cr.P.C. on the file of Kumaralingam Police Station with regard to the fire accident. Thereafter, the petitioner's husband has also given a representation to the concerned authority regarding the disbursement of the relief amount as per the Government Order in G.O. (Ms.) No.380, Revenue (DM.III(2)) Department dated 27.10.2015.

3. The learned Counsel for the petitioner further submitted that a perusal of the G.O.Ms.No.380 shows that victims including the fire accident victims are entitled to get relief under the State Disaster Response Fund (SDRF)/National Disaster Response Fund (NDRF) in the form of financial assistance for loss of lives, loss of limb or eyes, grievous injuries, loss of crops, loss of cattle, damages to houses etc. to mitigate the suffering and loss caused. But there is no response for the representation of the petitioner's husband.

4. The learned Counsel for the petitioner also submitted that the Government has issued G.O.(Ms) No.246/17, Revenue and Disaster Management Department, Disaster Management Wing, DM3(2) Section, dated 03.08.2017 revising the norms for sanction of relief assistance to the victims of natural calamities. The petitioner approached the 4th respondent herein regarding the disbursement of the relief amount as per the G.O.(Ms.) No.246/17. Subsequently the Tahsildar had sent a letter dated 31.3.2017 to the District Collector, Tirupur stating that the relief amount can be disbursed to J.Shoba, the petitioner herein. Thereafter, the petitioner approached the District Collector, Tirupur who directed her to approach the concerned Department. The petitioner has also given a representation

dated 26.3.2018 stating that there was no response from the concerned Department. Since, there is no response for the same, the petitioner is before this Court with this Writ Petition.

5. Learned Additional Government Pleader appearing for the respondents submitted that since a recommendation dated 31.3.2017 has been sent by the Tahsildar, Madathukulam Taluk, Tiruppur District to the District Collector, Tiruppur District, that would be considered in the light of the Government Orders in G.O. (Ms.) No.380, Revenue (DM.III(2)) Department dated 27.10.2015 and G.O.(Ms) No.246/17 dated 03.08.2017.

6. Since there has been a recommendation by the concerned Tahsildar that Jeevitha, the elder daughter of the petitioner died in a fire accident, the 3rd respondent, namely, the District Collector, Tiruppur District is hereby directed to forward the recommendation to the 2nd respondent, namely, the Secretary, Revenue and Disaster Department, Chennai, within a period of two weeks from the date of receipt of a copy of this Order, who in turn, shall consider and grant the appropriate relief, within a period of four weeks thereafter.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary, सत्यमेव जयते
Namakkal Kavignar Maaligai,
Fort St. George, Chennai,
Tamil Nadu.
2. The Secretary,
Revenue and Disaster Department,
Fort St. George,
Chennai.
3. The District Collector,
O/o.The Collectorate,
Karuppa Gaundanpalayam,
Tiruppur District.

4. The Tahsildar,
Madathukulam Taluk,
Tiruppur District,
Tamil Nadu.

+1cc to Mr.C.Saravanan, Advocate SR.No.51014
+1cc to Government Pleader SR.No.51417

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SMI/10.08.2018



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