



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P. (MD) No.12329 of 2018

Vasuki

... Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary to the Government,
Revenue Department,
Fort. St.George,
Chennai 600 009.

2.The Special Officer,
Chief Minister Special Cell,
Chennai 600 009.

3.The District Collector,
Karur District,
Karur.

4.The District Collector,
Tirunelveli District, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the 3rd respondent in O.Mu/14539/2017/(T1) dated 28.09.2017 and quash the same and directing the 3rd respondent to pass appropriate orders to extend financial assistance to the petitioner and her minor children under Chief Minister's Public Relief Fund (CMPRF) due to the death of her husband, Kumar, on 01.03.2014 by considering her poor economic status as per her representation dated 23.04.2018 by holding fair enquiry.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.J.Gunaseelanmuthaiah

Additional Government Pleader

O R D E R

Heard Mr.K.K.Kannan, learned counsel appearing for the petitioner and Mr.J.Gunaseelanmuthaiah, learned Additional Government Pleader, appearing for the respondents.

2. It is not in dispute that the petitioner's husband died due to drowning, when he was taking bath in a water channel at Maayanoor, Karur District. At that point of time, the Public Works



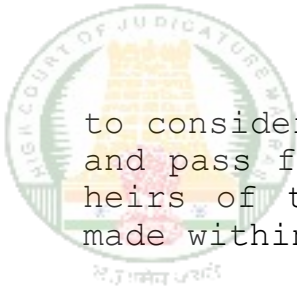
Department officials had opened the shutters of the Dam. The said incident occurred on 01.03.2014. According to the learned counsel for the petitioner, G.O.Ms.No.89, Revenue [DM-I(1)] Department, dated 18.02.2015, provides for payment of distress relief of Rs.50,000/- for such victims. Since the victim's earlier income was less than Rs.48,000/-, the petitioner is entitled for the relief under the said Government Order. However, by impugned letter of the District Collector, Karur, dated 28.09.2017, the petitioner's entitlement was rejected on the ground that the petitioner's husband had died in the year 2014. At that point of time, the scheme under G.O.Ms.No.368, dated 23.06.2018 was invoked and thereby, the petitioner's claim for relief under G.O.Ms.No.89, Revenue [DM-I(1)] Department, dated 18.02.2015 was not considered. Challenging the same, the present writ petition has been filed.

3. The learned Additional Government Pleader by relying upon the G.O.Ms.No.368, dated 23.06.2008, submitted that since the incident had occurred in the year 2014, the petitioner cannot claim benefits of G.O.Ms.No.89, Revenue [DM-I(1)] Department, dated 18.02.2015, since on the date of the incident, the family income of the petitioner was over and above Rs.24,000/-, which was upper ceiling limit for entitlement to the relief scheme under G.O.Ms.No.368, dated 23.06.2008 and hence, the petitioner is not entitled for the claim.

4. I have given my careful consideration to the rival submissions made by the learned counsels on either side.

5. It is not in dispute that the petitioner's husband died on 01.03.2014. It is no doubt true that the Distress Relief Scheme under G.O.Ms.No.368, dated 23.06.2008 was invoked at that point of time. However, the petitioner's case for extension of distress relief came to be considered only in the year 2017 by the impugned order dated 28.09.2017. At which point of time, the scheme under G.O.Ms.No.89, Revenue [DM-I(1)] Department, dated 18.02.2015, was already in vogue. As per the scheme under G.O.Ms.No.89, Revenue [DM-I(1)] Department, dated 18.02.2015, the annual family income of the victim was enhanced from Rs.24,000/- to Rs.48,000/- and the relief fund was also enhanced to Rs.50,000/-. When the respondents had considered the case of the petitioner for grant of distress relief, they ought to have taken consideration of the existing Government Order as on the date of consideration. Since the claim of the petitioner came up for consideration before the respondent only in the year 2017, the relief under G.O.Ms.No.89, Revenue [DM-I(1)] Department, dated 18.02.2015 alone ought to have been considered and the petitioner should have been extended the distress relief. As such the impugned order rejecting the petitioner's claim is improper.

6. In the result, the writ petition stands allowed and the <https://hcservices.ecourts.gov.in/hcservices/> impugned order passed by the third respondent is quashed. Consequently, the matter is remanded back to the third respondent



to consider the matter afresh in the light of the above observations and pass favorable order extending the distress relief to the legal heirs of the deceased, namely, Kumar. Such an exercise shall be made within a period of eight weeks from today. No costs.

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/True Copy/

Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Revenue Department,
Fort. St.George,
Chennai 600 009.
- 2.The Special Officer,
Chief Minister Special Cell,
Chennai 600 009.
- 3.The District Collector,
Karur District,
Karur.
- 4.The District Collector,
Tirunelveli District,
Tirunelveli.

+1CC to Mr.K.K.Kannan Advocate in SR.No.73592.

+1CC to Special Government Pleader in SR.No.73866.

SJI

DS/SV/SAR-4 :20.07.2018: 3P/7C

W.P. (MD) No.12329 of 2018
18.07.2018