BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **25.07.2018**
CORAM:
THE HONOURABLE MR.JUSTICE **M.S.RAMESH**
W.P.(MD) No.1946 of 2016
and
W.M.P.(MD) No.1714 of 2016

P.M.Muniyandi ... Petitioner

vs

1. The Commissioner,
Revenue Administration,
Chepauk,
Chennai.

2. The District Collector,
Sivagangai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the second respondent in ந.க.எண் ஐ1/2182/2015 dated 28.07.2015 and quash the same and direct the second respondent to sanction the amount of Rs.1,00,000/- from the Chief Minister Relief Fund.

For Petitioner : Mr.M.Subash Babu
For Respondents : Mr.J.Gunaseelanmuthiah
Additional Government Pleader

ORDER

This writ petition has been filed to call for the records of the impugned order passed by the second respondent in ந.க.எண் ஐ1/2182/2015 dated 28.07.2015 and quash the same and direct the second respondent to sanction the amount of Rs.1,00,000/- from the Chief Minister Relief Fund.

2.The petitioner's son, while taking bath fell down into the Maranadu Kanmoi and died due to asphyxiation on 07.12.2014. Since the petitioner claims to be an agricultural coolie, earning about Rs.24,000/- per annum, he had approached the Thasildhar, Thirupuvaanam Taluk, seeking a relief of Rs.1,00,000/- from the Chief Minister Relief Fund, due to the death of his son. By an order dated 28.07.2015, the petitioner's request was rejected on the ground that the petitioner's income was Rs.48,000/- per annum. Challenging the same, the present writ petition has been filed.

3.According to the learned counsel for the petitioner the petitioner is only an agricultural coolie and his annual income is

Rs.24,000/- per annum, in view of the same, he is entitled for the benefit of Chief Minister Relief Fund scheme.

4.The learned Additional Government Pleader appearing for the respondents submitted that the petitioner is the owner of four lands including his own house. Apart from that, the petitioner is also entitled for 1/7th share in three other properties situated at Thiruppachetti Village.

5.The learned Additional Government Pleader further submitted that the petitioner's annual income is about Rs.48,000/- and since the income is above the ceiling limit of the scheme, he is not entitled for the benefit of Chief Minister Relief Fund. It is the further submission of the learned Additional Government Pleader that the petitioner's son died on 07.12.2014 and on that day the income fixed under the Government Order for granting Chief Minister Relief Fund was Rs.24,000/-. The ceiling limit of the annual income was increased to Rs.48,000/- only on 18.02.2015, which is after the death of the petitioner's son and therefore, by applying the limit applicable on the date of death of the boy, the petitioner is not entitled for the relief.

6.I have carefully considered the rival submissions made by the respective counsel.

7.It is not in dispute that the petitioner's son died on 07.12.2014. The only ground on which the petitioner's request was rejected for getting fund from the Chief Minister's Relief Fund is that the petitioner's annual income was Rs.48,000/- per annum and since the Government Rule prescribed the upper limit of the annual income at Rs.24,000/- , he is not entitled for the said relief.

8.The learned Additional Government Pleader has raised various other grounds to substantiate the reasoning given in the impugned order. The reasons adduced by the respondents are that the petitioner is in possession of various other properties and that the Government Orders which were in existence at the time of the death of the petitioner's son only should be taken as criteria. The other grounds raised in the counter affidavit are not the reasons given in the impugned order and hence, I do not wish to render any findings on the same, since the respondents cannot improve the reasonings in the impugned order through their counter.

9.Insofar as the reasoning in the impugned order is concerned, it is admitted that the petitioner's annual income was about Rs.48,000/-. The ground on which the petitioner's request has been rejected in the impugned order is that the ceiling under Government requisition was Rs.24,000/- as on the date of death of the petitioner's son. I am not in agreement with the reasoning given therein. Though the petitioner's son died on 07.12.2014, the request of the petitioner for getting fund from the Chief Minister's Relief Fund, came up for consideration only on 28.07.2015. When the petitioner's request came to be considered in the year 2015, the respondents ought to have considered the then existing Government Order, which was in vogue.

10.The Chief Minister's Relief Fund is a welfare measure intended for the destitute persons. I am not able to accept the reasoning in the impugned order that a person who is earning Rs.48,000/- could be termed as a person of financial means. Nevertheless, in view of my findings that the respondents are not justified in relying upon the Government Orders existing at the time of the death of the petitioner's son, it can only be concluded that the petitioner is entitled for the relief.

11.In the result, the impugned order passed by the second respondent in ந.க.எண் ஐ1/2182/2015 dated 28.07.2015, is set aside. Consequently, the second respondent is directed to disburse the Chief Minister's Relief Fund of Rs.1,00,000/- to the legal heirs of the petitioner's son. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

12.Accordingly, the writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Commissioner,
   Revenue Administration,
   Chepauk,
   Chennai.

2. The District Collector,
   Sivagangai.

+1cc to Mr.M.Subash Babu, Advocate Sr.No.75074
+1cc to Spl.Government Pleader Sr.No.75146

MM
VB/KAK/SAR3/13.08.2018/3P/5C

W.P.(MD) No.1946 of 2016
25.07.2018