

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 18726 of 2019

K.Kamala

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Nagapattinam District.

2. The Tahsildar,
Office of the Tahsildar,
Taluk Office,
Thirukkuvalai,
Nagapattinam District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First and Second Respondents to grant compensation to the Petitioner for the demise of her husband Kaliyaperumal in the Gaja Cyclone based on her representation dated 31.12.2018.

For Petitioner : Ms. Greetha Senthilkumar

For Respondents: Mr. M. Karthikeyan,
Additional Government Pleader

सत्यमेव जयते
O R D E R

The Writ Petition has been filed by the Petitioner to direct the Respondents to grant compensation to the Petitioner for the demise of her husband Kaliyaperumal in the Gaja Cyclone based on her representation dated 31.12.2018.

2. The Second Respondent has filed Counter Affidavit dated 19.07.2019 contending that there is nothing to show from the medical reports that the death of the husband of the Petitioner was caused due to Gaja Cyclone.

3. When it is pointed out that in the light of the aforesaid contention in the Counter Affidavit of the Second Respondent, which falls under the realm of disputed question of facts, the matter has to be decided after recording of evidence of the parties on their rival contentions and could not be effectually redressed by invoking the public law remedy following summary procedure under Article 226 of the Constitution, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner work out her remedy before the competent forum. She has also made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

vji

To

1. The District Collector,
Office of the District Collector,
Nagapattinam District.
2. The Tahsildar,
Office of the Tahsildar,
Taluk Office,
Thirukkuvalai,
Nagapattinam District.

+1 CC to Govt. Pleader sr 62368.

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MG(CO)
SP(26/08/2019)