

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33665 of 2018
and
W.M.P.No.39077 of 2018

K.Babu

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Revenue and Disaster Management Department,
Chief Secretariat, Fort St.George,
Chennai - 600009.
2. The Deputy Secretary to Government of Tamil Nadu,
Revenue and Disaster Management Department,
(Disaster Management Unit),
Chief Secretariat, Fort St.George,
Chennai - 600009.
3. The Principal Secretary/Commissioner,
Revenue Administration, Disaster Management,
& Mitigation, Ezhilagam Building,
Chepauk,
Chennai - 600009.
4. The Joint Secretary & Treasurer,
Chief Minister's Relief Public Fund (CMRPF),
Finance Department,
Chief Secretariat, Fort St.George,
Chennai - 600009.
5. The District Collector,
Thiruvallur District,
Thiruvallur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records to pertain to the 2nd respondent's letter vide Govt. Letter No.18863/Peaa.Meaa.1(1)/2018-1 dated

05.06.2018 and subsequently direct the respondents to grant the relief assistance under the Chief Minister's Public Relief Fund (CMPRF) to the petitioner and his wife namely B.Chitra, for the petitioner's son's accidental death due to drowning in Retteri lake, Thiruvallur District, within a stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.I.Sathish
Additional Government Pleader

O R D E R

The petitioner is aggrieved against the proceedings of the second respondent dated 05.06.2018, wherein and whereby, the petitioner's request for grant of monetary relief under the Chief Minister's Public Relief Fund (CMPRF) was rejected on the reason that the request of the petitioner was made belatedly after the death of his son.

2. The case of the petitioner is that his son aged about 15 years, died on 19.12.2012, due to drowning in Retteri Lake situated near to his school, while he was taking bath with his school friends. However, the petitioner did not make the request for the monetary relief assistance immediately and applied for the same only on 19.08.2017. The District Collector viz., the fifth respondent through proceedings dated 26.04.2018, on receipt of the said application forwarded the same to the respondents 1 and 2 with recommendation to grant such relief. In the said communication, the District Collector has specifically found that the petitioner's son by name Vignesh died on 19.12.2012 due to drowning. It is also found by the District Collector that the petitioner is an eligible person to get the monetary relief under the Chief Minister's Public Relief Fund. When such being the recommendation made by the District Collector and when the facts are not in dispute, the second respondent is not justified in passing the impugned order only because the application was made by the petitioner belatedly. A belated application cannot make the events untrue. The second respondent ought to have approached the issue with pragmatic view instead of finding a reason to reject the application one way or the other. Thus, this court is inclined to set aside the impugned order based on the above stated facts and circumstances.

3. Accordingly, this writ petition is allowed and the impugned order is set aside. Consequently, the second respondent is directed to consider the application of the petitioner for grant of monetary relief under the Chief Minister's Public Relief Fund (CMPRF) and pass appropriate

orders granting such relief fund to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sni/vri

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Revenue and Disaster Management Department,
Chief Secretariat, Fort St.George,
Chennai - 600009.
2. The Deputy Secretary to Government of Tamil Nadu,
Revenue and Disaster Management Department,
(Disaster Management Unit),
Chief Secretariat, Fort St.George,
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Revenue Administration, Disaster Management,
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4. The Joint Secretary & Treasurer,
Chief Minister's Relief Public Fund (CMRPF),
Finance Department,
Chief Secretariat, Fort St.George, Chennai - 600009.
5. The District Collector,
Thiruvallur District, Thiruvallur.

+1 cc to Mr.A.Suresh Sakthi Murugan, Advocate Sr.No.18411

+1 cc to The Government Pleader, Sr.No.18242

W.P.No.33665 of 2018

CSL/21.03.2019