



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the First day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

WP(MD)No.13074 of 2019

S.MURUGANANDAM

... PETITIONER

Vs

1 THE DISTRICT COLLECTOR
THANJAVUR DISTRICT, THANJAVUR.

2 THE REVENUE DIVISIONAL OFFICER
PATTUKKOTTAI, THANJAVUR DISTRICT. ... RESPONDENTS

Prayer in WP(MD)No.13074 OF 2019:

This Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 & 2 to give compensation to petitioner on the petitioner's representation dated 31.12.2018.

ORDER : This Writ Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.MA.KARUNANITHI, Advocate for the petitioner and of MR. P. KANNITHEVAN, Additional Government Pleader for the Respondents the court made the following order:-

This Court, by order dated 18.06.2019, had given a set of directions, which reads thus:

"17.In that view of the matter, this Court is inclined to pass the following order by disposing this writ petition:

"that the State Government ie. the Department of Revenue Administration and Disaster Management, shall take a policy decision with regard to the quantum of



compensation payable to the victims of Gaja Cyclone where they have lost their tiled houses.

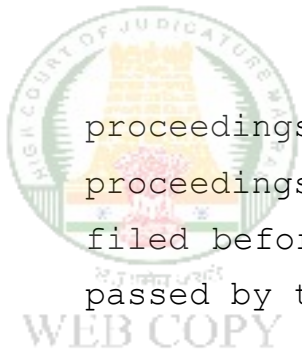
(ii)Based on such policy decision, the Government order to that effect shall be issued.

(iii)In that Government Order, the quantum of compensation shall be earmarked, which must be equal to or to be adequate enough enabling the victims to restructure/reconstruct their houses, since it is the only dwelling house of most of the victims.

(iv)Till such full compensation is paid, an interim compensation shall be paid to such victims, who lost their tiled house and such interim compensation can be decided by the District Collector concerned, depending upon the immediate need of the victims, to make a dwelling house for the present."

18.The aforesaid exercise shall be undertaken by the respondents as well as the State Government within a period of thirty days from the date of receipt of a copy of this order. In order to enable the State Government to take a decision and comply with the aforesaid directions, the copy of this order shall be communicated to the Secretary to Government, Revenue Administration and Disaster Management, as well as the Additional Chief Secretary / Commissioner of Revenue Administration. The needful shall be done, as indicated above, within the aforesaid time frame and a compliance report to that effect shall be filed before this Court. For the said purpose of filing report post this Writ Petition on 23.07.2019."

2.Pursuant to the said order, when the case came up for hearing under the caption "for reporting compliance" on 23.07.2019, two proceedings issued by the District Collector, Thanjavur i.e the



proceedings in Na.Ka.No.19424/2019/Cu.Cm.1, dated 19.07.2019 and the proceedings in R.C.No.19324/2019/D.M.1 dated 22.07.2019, had been filed before this Court, as if that was the compliance of the order passed by this Court dated 18.06.2019.

3. On perusal of the said proceedings issued by the District Collector, this Court had given the following direction:

"5. This Court directed the State Government to take a policy decision and issue Government Order enabling the victim of the Gaja Cyclone, under which, those who lost their tiled houses, to get adequate compensation in order to restructure/reconstruct their houses. However, nothing has been stated in the said communications except to state that, to include the name of the petitioner in the list of beneficiaries for the construction of permanent house either under Gaja Cyclone Rehabilitation and Reconstruction Scheme or Honourable Chief Minister's Green House Scheme. If at all, already a Scheme has been launched in the name of Gaja Cyclone Rehabilitation and Reconstruction Scheme, under which, this kind of victim can be benefitted, the salient feature and import of the said Scheme can be placed before this Court to the satisfaction that, all the victims of the Gaja Cyclone, especially, in respect of the victims who lost their tiled dwelling house, to get adequate compensation enabling such victim to reconstruct or restructure the house. Without disclosing any of these issues, since these proceedings have been issued by the first respondent/District Collector, this Court is not satisfied with the said proceedings and has not accepted those proceedings as the compliance of the order of this Court dated 18.06.2019 referred to above.



6. Therefore, due compliance, strictly on the basis of the direction issued by this Court, by its order, dated 18.06.2019, shall be made by the respondents as well as the State Government, represented by the Secretary to Government, Revenue Administration and Disaster Management as well as the Additional Chief Secretary/ Commissioner of Revenue Administration. The steps taken by the Government at the highest level, enabling all the victims, who lost their tiled house due to Gaja Cyclone to get adequate compensation, shall be spelled out and necessary proceeding to that effect including the Government Order, if any, issued in this regard, shall be produced before this Court during the next hearing.

7. For the said purpose, post the matter on 01.08.2019."

4. Pursuant to the said direction issued by this Court, for actual compliance of the order passed by this Court dated 18.06.2019, today, when the case came up for hearing under the caption "for reporting compliance", Mr. P. Kannithevan, the learned Additional Government Pleader has produced a communication in R.C.No.NC I/(1)/3376/2019 dated 31.07.2019, written by the Additional Chief Secretary/Commissioner of Revenue Administration and State Relief Commissioner, Chepauk, Chennai - 600 005 addressed to the Government Pleader.

5. I have perused the said communication dated 31.07.2019 of the Commissioner of Revenue Administration, where, *inter alia*, the following has been stated:

"2) In this connection, I wish to state that for the Rehabilitation, Reconstruction and Rejuvenation of the Gaja Cyclone affected victims and areas, Gaja



Cyclone Reconstruction, Rehabilitation and Rejuvenation Project [GRRRP] has been launched by the Government. Further, it is submitted that the Hon'ble Chief Minister of Tamil Nadu in his speech delivered on 04.01.2019 on the floor of Legislative Assembly, has announced that **"arrangements made for constructing houses in alternative sites to those whose houses damaged due to Gaja Cyclone in patta lands of Rural areas and whose houses damaged in Government poramboke sites. For this, the Hon'ble Prime Minister has been requested to provide necessary funds for constructing 1 lakh houses for the first year, each 50,000 houses for the subsequent 4 years, totally 2 lakhs houses and overall 3 lakh houses in 5 years under the Prime Minister's Housing Scheme. In urban areas, action is being taken to construct new houses through Tamil Nadu Slum Clearance Board"**.

3)Based on this announcement of Hon'ble Chief Minister, as on date, 2,53,645 huts in Rural areas, 29,004 huts in Urban areas, 30,044 Tiled houses in Urban areas and 2,65,145 Tiled houses in Rural areas have been identified for providing patta and house in a phased manner under Prime Minister's Housing Scheme. In this regard, the District Collector, Thanjavur directed the BDO, Pattukottai to take necessary action for construction of a house under GRRRP or Chief Minister's Solar Powered Green House Scheme (CMSPGHS) for the petitioner Thiru.S.Muruganandam.

4)In the circumstances stated above, I wish to state that as directed by the Hon'ble Madurai Bench of Madras High Court, the policy decision was already taken by the Government with regard to the quantum of compensation payable to the victims of Gaja Cyclone where they have lost their tiled houses and action has



already been initiated for providing patta and construction of houses for those who lost their houses in Gaja Cyclone as per the Hon'ble Chief Minister's speech."

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6. On perusal of this letter dated 31.07.2019, this Court finds that the State Government already identified 2,53,645 huts in rural areas and 29,004 huts in urban areas, which have been completely affected due to Gaja cyclone. Like that, 30,044 tiled houses in urban areas and 2,65,145 tiled houses in rural areas have also been affected. In order to rehabilitate those affected persons, who have already been identified by the Government, according to the said communication, for issuance of patta and also for providing house in a phased manner, the State Government already requested the Central Government under Prime Minister's Housing Scheme.

7. Therefore, the aforesaid statistics would reveal that, the Government have to provide land by way of patta and also construct pacca houses for nearly 5,75,000 families, who had been affected due to Gaja cyclone and this massive work of construction of houses for those poor victims shall be undertaken by the State Government, of course, with the help of the Central Government in a phased manner, within a period of 5 years.

8. Assuming that, if the said policy decision taken as indicated above by the State Government to implement, till the full completion of the implementation of this massive housing benefits, thousands of or lakhs of affected victims would continue to be homeless for years together. Therefore, the State Government, while implementing that massive housing programme for affected victims as a policy decision, for the next 5 years to come, as an interim measure, enabling those victims to have a dwelling house, shall provide for a reasonable cost for making a small dwelling house for their living and that should be made available to them before the North East Monsoon starts, as once the Monsoon starts, those, who are homeless due to



Gaja cyclone, would be in a precarious situation.

9. Therefore, forecasting this great trouble going to face by lakhs of Gaja victims, steps should be taken by the State Government on war footing to rehabilitate them by providing a shelter, at least, temporarily, till permanent structures are made as per their policy decision referred to above.

10. Since it is a continuing process of implementation of the policy decision to have this massive housing project to provide free houses to the victims which will go at least for next 5 years, in order to monitor the same and to issue continuous mandamus, this writ petition shall be kept pending and be listed periodically once in three months before this Court.

11. With the aforesaid directions and observation, for monitoring further, post the matter on 01.11.2019.

Sd/-

Assistant Registrar (A.E.,)

// True Copy //

Sub Assistant Registrar (CS)

TO

- 1 THE DISTRICT COLLECTOR
THANJAVUR DISTRICT, THANJAVUR.
- 2 THE REVENUE DIVISIONAL OFFICER
PATTUKKOTTAI, THANJAVUR DISTRICT.
- 3 THE SECRETARY TO GOVERNMENT
REVENUE ADMINISTRATION AND DISASTER MANAGEMENT,
FORT SAINT GEORGE, SECRETARIAT, CHENNAI - 600 009
- 4 THE ADDITIONAL CHIEF SECRETARY
/COMMISSIONER OF REVENUE ADMINISTRATION
FORT SAINT GEORGE, SECRETARIAT, CHENNAI-600 009



5 THE SPECIAL GOVERNMENT PLEADER,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

WEB COPY

THE SECTION OFFICER, WRIT SECTION
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER DATED: 01/08/2019
HEARING DATE: 01/11/2019

ORDER

WP(MD) No.13074 of 2019

Giving direction and etc as stated
within.

TR
01/08/2019 - 8P 7C