

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.13950 of 2020
(Heard Through VC)

T.Maruthamuthu

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Secretariat, St.George Fort, Chennai.

2. The Additional Private Secretary,
Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai.

3. The District Collector,
Office of the District Collector of Chennai,
Chennai District, Chennai.

4. The Tahsildar,
Office of the Tahsildar of Purasawakkam Taluk,
Chennai

.. Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to award the compensation to the petitioner under the ex-gratia payment for a sum of Rs.4,00,000/- (Rupees four lakhs only) with the reasonable interest from 01.11.2017 for the petitioner's wife's late Pounammal died in the flood.

For Petitioner : Mr.A.Ethayaselvan

For Respondents : Mr.R.S.Selvam,
Govt. Advocate.

ORDER

The Writ Petition is filed seeking a mandamus to direct the respondents 1 and 2 to award the compensation to the petitioner under the ex-gratia payment for a sum of Rs.4,00,000/- (Rupees four lakhs only) for the petitioner's wife's late Pounammal, who died in the floods.

2. It is the case of the petitioner that he is a senior

citizen and was working as a daily wager and does not have any permanent source of income. Since he underwent eye surgery, he could not continue his work. Therefore, his wife became the sole breadwinner of his family. On 01.11.2017 at about 12.15.p.m, the petitioner's wife got struck in the heavy rainfall and she slipped and fell on the ground, which caused a major blow on the back side of her head. The petitioner's family rushed her to the Kilpauk Medical College Hospital, where she died. A complaint was registered by the Sub Inspector of Police, G-5, Secretariat Colony Police Station under Section 174 of Cr.P.C in Crime No.1001 of 2017 dated 01.11.2017. Due to the petitioner's old age and since he had undergone an eye surgery, he is unable to maintain himself and to educate his children after his wife's death. Hence, the petitioner sent a representation dated 02.08.2018 to the Hon'ble Chief Minister Cell and also to the Collector of Chennai District to disburse the exgratia amount to the petitioner. On 15.10.2018, the fourth respondent had inspected the petitioner's family and sent a report to the District Collector, Chennai stating that they are eligible to receive the exgratia amount. However, no action has been taken. Hence, he sent another representation to the Hon'ble Chief Minister Cell and also to the Collector of Chennai on 21.02.2019. In response to which, the Collector sent a communication to the Tahsildar, Purasaiwalkam Taluk to furnish the enquiry report so as to award the exgratia amount to the petitioner's family. Since no progress is forthcoming, the petitioner is before this Court.

3. It is seen that the petitioner has given a representation to the third respondent on 02.08.2018 and also remainder on 21.02.2019 to consider his representation to disburse the ex-gratia payment to the petitioner for the death of his wife. It is claimed that as per G.O.(Ms)No.246 [Revenue and Disaster Management], dated 03.08.2017, the respondents 1 and 2 are liable to pay the ex-gratia payment to the deceased family to the tune of Rs.4 lakhs.

4. Upon instructions, the learned Government Advocate appearing on behalf of the respondents, produced the proceedings of the District Collector, Chennai, in letter No.04/20551-3/2017 dated 09.11.2020 stating that the order has been passed by the third respondent, based on the report of the fourth respondent, who is the Tahsildar, Purasaiwalkam Taluk, who has stated that the petitioner's wife, Pounammal died on 01.11.2017 due to slip in the rain water stagnation as a result of heavy rain. The report of Department of Forensic Medicine, Government Kilpauk Medical College, Chennai 600 010 and also the Post Mortem report dated 01.11.2017 confirmed the death of the petitioner's wife, having died of asphyxia due to drowning. An F.I.R has also been filed before the Secretariat Police Station. The legal heirship

Certificate was also issued by the Tahsildar, Purasaiwalkam Taluk, as per which, besides the petitioner, who is the husband, the deceased had two sons and two daughters.

5. Based on the above documents, the District Collector, Chennai has passed an order, sanctioning Rs.4 lakhs as ex-gratia amount, which was distributed equally among the legal heirs. Accordingly, cheques of Rs.80,000/- have been drawn in favour of each of the legal heirs of the deceased and paid to them.

6. The learned Government Advocate appearing on behalf of the respondents has also produced Form VI and VII, in which, the claimants have signed and received the above cheques.

7. In view of the payment of the said amounts as prayed for by the petitioner, recording the above, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn
To

1. The Principal Secretary to Government,
State of Tamil Nadu
Secretariat, St.George Fort, Chennai.

2. The Additional Private Secretary,
Commissioner of Revenue Administration,
Ezhilagam, Chempauk, Chennai.

3. The District Collector,
Office of the District Collector of Chennai,
Chennai District, Chennai.

4. The Tahsildar,
Office of the Tahsildar of Purasawakkam Taluk,
Chennai

+1cc to the Government Pleader, S.R.No. 38422

W.P.No.13950 of 2020

SV(CO)
GN(29/12/2020)