

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16261 of 2017

Palaniammal

.. Petitioner

Vs.

1. The Secretary to Government
Revenue Department
Secretariat
St. George Fort
Chennai

2. The District Collector
District Collector Office
Chennai

3. The Tahsildar
Egmore - Nungambakkam Taluk
Chennai

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider petitioner representation dated 31.3.2015 and subsequently directing the 1st respondent to give a compensation to the petitioner from the Chief Minister Relief Fund.

For Petitioner : Mr.Karthick Sevugaperumal
For Respondents : Mr.R.S.Selvam,
Government Advocate.

ORDER

Instant writ petition has been filed for a writ of mandamus, directing the first respondent to consider petitioner's representation dated 31.3.2015 and subsequently for a direction to the 1st respondent to give compensation to the petitioner from the Chief Minister Relief Fund.

2. According to the petitioner, her daughter Panchavarnam was gang raped and brutally murdered by the anti social elements in the year 1998. Due to her death, petitioner's entire family was in dark and put to untold hardship, as her daughter was the sole breadwinner of their family. After the demise of her daughter, petitioner's family struggling to eke their livelihood with their meagre income. A case in Crime No.7206/1998 in F4-Thousand Lights Police Station has been registered against the death of petitioner's daughter and the same was taken into the file of learned Additional Sessions Court I, Chennai as S.C. No.381/1998.

3. According to the petitioner, she had sent a representation dated 7.2.2005 to the 2nd respondent seeking compensation from Chief Minister Relief Fund. In response, the second respondent sent a communication to the 1st respondent vide proceedings No.F.1/28210/2005 dated 10.6.2005 recommending petitioner's name for compensation from the Chief Minister Relief Fund. Since there was no response for almost a decade, the petitioner has sent another representation dated 31.3.2015 to the 2nd respondent with copy to respondents 1 and 3 and the same was kept pending without assigning any reason.

4. Upon notice, a counter affidavit has been filed on behalf of the first respondent, stating that the representation of the petitioner dated 31.3.2015 was received by the Department on 1.4.2015 and based on the incident/situation indicated therein, the same was sent to Public (Law and Order) Department on 6.4.2015 itself for necessary action. It has been further stated in the counter affidavit that, in respect of Revenue and Disaster Management Department, the relief assistance is sanctioned from the Chief Minister's Public Relief Fund to the legal heirs of the deceased persons, who died on account of snake bite, drowning in ponds, lakes, rivers and sea, suffocation accidents, building collapse, household fire accident etc. It is further stated in the counter affidavit that, in the case of the petitioner, relief assistance involved to the family of the victim of the murder case, their department will not be in a position to sanction any relief assistance, as the subject matter relates to Home, Prohibition and Excise Department.

5. Heard Mr.Karthick Sevugaperumal, learned counsel for the petitioner and Mr.R.Selvam, learned Government Advocate, appearing for the respondents and perused the materials available on record.

6. Considering the limited scope of the prayer and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the

Secretary to Government, Revenue Department, Secretariat, Fort St. George, Chennai, namely the first respondent herein, to consider the representation of the petitioner dated 31.3.2015 and pass orders, on merits and in accordance with law, after issuing notice to the petitioner and also affording her an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Asr

To

1. The Secretary to Government
Revenue Department
Secretariat
St. George Fort
Chennai
2. The District Collector
District Collector Office
Chennai
3. The Tahsildar
Egmore - Nungambakkam Taluk
Chennai

+1cc to the Government Pleader, S.R.No.23197

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LN(CO)
KKV/15/06/2020