



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No. 4391 of 2019

WEB COPY

K.Balakrishnan

.. Petitioner

Vs.

1.The State of Tamil Nadu
rep. by the Secretary,
Home Department,
Fort St. George,
Chennai.

2.The District Collector,
Thanjavur.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay compensation to the petitioner for the death of his wife in the Gaja cyclone and pass such further or other orders.

For Petitioner

: Mr.S.Muthukrishnan

For Respondents

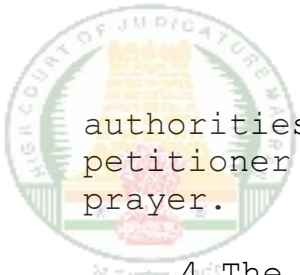
: Mr.M.Pandiarajan,
Additional Government Pleader.

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to pay compensation to the petitioner, for the death of his wife in the Gaja cyclone.

2.Heard Mr.S.Muthukrishnan, learned counsel appearing for the petitioner and Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, he was residing alongwith his family in a small thatched house at Ramanujapuram, Umaiyalpuram Post, Babanasam Taluk, Thanjavur District. On 15.11.2018, when they were sleeping in their house at night, due to the Gaja cyclone, the wall of house was collapsed, due to which, his wife sustained injuries. Since he could not get the connection of 108 ambulance, he took his wife to Kabistharam Government Hospital, where she died on 16.11.2018 at about 01.30 a.m., due to heavy pain with injuries. The petitioner came to know that for the death of his wife due to Gaja cyclone, the Government has announced compensation and he approached the Village Administrative Officer, Ramanujapuram, who also promised to get the compensation from the Government. The petitioner has also made several representations to various



authorities, but they have not been considered so far. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

4.The second respondent has filed a counter affidavit, wherein it is stated that if the petitioner's wife met with an accident due to natural calamity and died, the body of the deceased would have been sent for post-mortem and the Station House Officer of the concerned police circle would have registered a case, under the provisions of Criminal Law. But, there is no material or evidence placed before the second respondent to establish that his wife was died due to natural calamity.

5.The learned counsel for the petitioner submitted that if an opportunity is granted to the petitioner, he shall place all the documents before the second respondent to establish that his wife was died due to the natural calamity.

6.In view of the aforesaid submissions, this Court is of the view that an opportunity shall be granted to the petitioner to place all the relevant documents before the second respondent to establish that his wife was died due to the Gaja cyclone. Therefore, this Court is inclined to pass the following order:

(i)The writ petitioner shall submit the required documents to the second respondent, viz., District Collector, Thanjavur, alongwith the copy of the representation, dated 29.11.2018, within a period of three weeks from the date of receipt of a copy of this order.

(ii)On receipt of the same, the second respondent shall consider the representation of the petitioner, dated 29.11.2018 and pass appropriate orders on merits and in accordance with law and also in the light of the Government Orders, as expeditiously as possible, preferably, within a period of twelve (12) weeks thereafter.

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

Sd/-

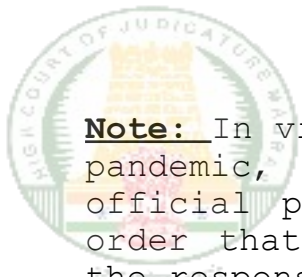
Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1.The Secretary,
Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai.

2.The District Collector,
Thanjavur.

+1 CC to M/s.SPL GP (SR-17145[F] dated 16/09/2020)

W.P (MD) No. 4391 of 2019
15.09.2020

SCR (CO)

KK(23.09.2020) 3P 4C