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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.26272 & 26273 of 2015

and

M.P.Nos.1 & 1 of 2015

P.Ramakrishnan ...Petitioner in W.P.No.26272 of 2015

B.Marriappan ...Petitioner in W.P.No.26273 of 2015

Vs

The District Collector,
O/o.The Collector,
Puducherry.

... Respondent in both W.Ps

PRAYER in W.P.No.26272 of 2015 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to hand over the keys of the Tsunami House at Sl.No.215 to the petitioner as per the proceedings of the respondent dated 28.01.2011 in No.311/ERTP/2011 issued in respect of the Ganabathi Chettykulam Village beneficiaries.

PRAYER in W.P.No.26273 of 2015 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to hand over the keys of the Tsunami House at Sl.No.216 to the petitioner as per the proceedings of the respondent dated 28.01.2011 in No.311/ERTP/2011 issued in respect of the Ganabathi Chettykulam Village beneficiaries.

For Petitioners : Mr.Abdul Azeez
For M/s.Svaak Legal
(in both W.Ps)

For Respondent : Mr.J.Kumaran
Additional Government Pleader
(Puducherry)

COMMON ORDER

The relief sought for in the present writ petitions is to direct the respondent to hand over the keys of the Tsunami House



at Sl.No.215 & Sl.No.216 to the petitioners as per the proceedings of the respondent dated 28.01.2011 in No.311/ERTP/2011 issued in respect of the Ganabathi Chettykulam Village beneficiaries.

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2. W.P.No.26272 of 2015: The petitioner states that his family was affected during the year 2004 Tsunami and thus, he suffered huge loss. The petitioner was issued with a certificate dated 20.07.2005 by the Tahsildar, Oulgarpet Taluk, Pondicherry, certifying that the petitioner was residing along with his family at Ganabathy Chettykulam Village, which falls in Kalapet Revenue Village and the same has been declared as "Natural Disaster" affected coastal area due to Tsunami-2004.

2.1. The petitioner states that his family was affected during the year 2004 Tsunami and thus, he suffered huge loss. The petitioner states that he was residing along with his family at Ganabathy Chettykulam Village, which falls in Kalapet Revenue Village and the same has been declared as "Natural Disaster" affected coastal area due to Tsunami-2004.

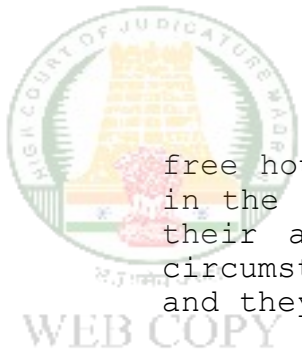
3. The petitioners state that their name was found in the list of Tsunami affected villagers at "Ganabathi Chettykulam" Hamlet issued in the year 2005.

4. Based on the said list published, the petitioners submitted a representation to allot Tsunami house. The said applications were not considered and therefore, the petitioners are constrained to move the present writ petitions.

5. Curiously, the affidavit filed by the petitioners in support of the writ petitions do not contain the details of occupation, profession, income etc., which is required for the purpose of considering the case of the petitioners.

6. This Court is of the considered opinion that the petitioners claim free scheme of allotment of Tsunami house introduced by the Government. For the purpose of availing the benefit of such free scheme, the petitioners have to establish that they were in penurious circumstances and their income is the criteria for the purpose of extending such benefits of allotment of free house.

7. The learned Additional Government Pleader, Puducherry, reiterated that the annual income must be below a sum of Rs.25,000/- for taking an allotment of free house under the Tsunami scheme. The petitioners even during the relevant point of time, was earning more than a sum of Rs.25,000/- and the said factum was enquired into by the competent authorities. Therefore, the petitioners were not made eligible to avail the



free house under the scheme introduced for Tsunami victims. Even in the affidavit, the petitioners have not stated anything about their annual income, occupation, profession etc., Under these circumstances, this Court directed the petitioners to be present and they are accordingly present before this Court today.

8. When a question is asked directly about the occupation, the petitioners stated that they are working in a Private company at Pondicherry and drawing a monthly salary of Rs.70,000/-.

9. This being the factum revealed before this Court in person by the petitioners, this Court is of the considered opinion that the benefit of free house scheme cannot be extended to the petitioners and the petitioners are not eligible to avail the benefit of the said scheme, which is meant for the poor people, whose income is less than a sum of Rs.25,000/- per annum.

10. This being the factum established, the petitioners are not entitled for the benefit of free house scheme introduced for the Tsunami victims.

11. Accordingly, both the writ petitions are devoid of merits and stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The District Collector,
O/o.The Collector,
Puducherry.

+1cc to the Government Pleader, S.R.No.60478

W.P.Nos.26272 & 26273 of 2015

PEH(CO)
SB(07/12/2021)