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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.32304 OF 2019

Mrs.Baby

.. Petitioner

Vs.

1. The District Collector,
Tiruvarur District,
Tiruvarur.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Mannargudi,
Tiruvarur District.
3. The Tahsildar,
Taluk Office,
Tiruthuraipoondi,
Tiruvarur District

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to extend the benefit announced by the Government of Tamil Nadu to the families of the deceased persons due to Gaja storm disaster in Tiruvarur District to the tune of Rs.10 lakh to the petitioner's family.

For Petitioner : Mr.N.Palanivel
for Mr.K.M.Subramanian

For Respondents 1 to 3 : Mr.P.Gurunathan,
Additional Government Pleader.



O R D E R

The petitioner has filed this petition under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to extend the benefit announced by the Government of Tamil Nadu to the families of the deceased persons due to Gaja storm disaster in Tiruvarur District to the tune of Rs.10 lakh to the petitioner's family.

2. The case of the petitioner is that her mother namely Mrs.Seeniammal was passed away on 16.11.2018 due to the Gaja storm disaster. Thereafter, with regard to the same, the enquiry was conducted by the revenue officials, the VAO and police personnel. Such being the case, due to power failure the petitioner could not take her deceased mother for post-mortem and also could not lodge a complaint with regard to the aforesaid incident. Thereafter, the legal heirs of the deceased made an application to the 3rd Respondent for availing the benefit of death relief to the tune of Rs.10 lakh announced by the Government of Tamil Nadu on account of the Gaja storm disaster. Later, the 1st Respondent informed the petitioner that the name of his deceased mother has not been listed in the Collectorate due to which the aforementioned benefit cannot be granted to the petitioner. Hence, the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to extend the benefit announced by the Government of Tamil Nadu to the tune of Rs.10 lakh to the legal heirs of the deceased, within a particular time frame fixed by this Court

4. On the above contentions, this Court heard the learned counsel for the petitioner.

5. Though limited relief is sought for by the learned counsel for the petitioner, however, it is to be pointed out that there is no material placed before this Court to substantiate the aforesaid submission that the death of the petitioner's mother occurred due to the Gaja storm disaster. In such view of the matter, the death of her deceased mother being a disputed question of fact, the aforesaid issue cannot be resolved by this Court under Article 226 of the Indian Constitution. Therefore the relief sought for cannot be acceded to.

6. Accordingly, this Writ Petition is dismissed. However, the liberty is granted to the petitioner to work out



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her remedy in the manner known to law before the competent civil court. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The District Collector,
Tiruvarur District,
Tiruvarur.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Mannargudi,
Tiruvarur District.
3. The Tahsildar,
Taluk Office,
Tiruthuraipoondi,
Tiruvarur District.

+1cc to Mr.K.M.Subramanian, Advocate, S.R.No.64412

+1cc to the Government Pleader, S.R.No.64858

W.P.No.32304 of 2019

SRA(CO)
RLP(28/12/2021)