



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.683 of 2022

R.Balaji

.. Appellant/Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Secretary to State,
Department of Fisheries,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Collectors' office,
Ma Singaravelar Maligai,
Chennai.

.. Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 17.11.2021 made in W.P.No.10823 of 2016.

Prayer in WP.No.10823 of 2016 : Writ Petition filed Under Article 226 of the Constitution of India, humbly prayed that this Hon'ble Court may be pleased to issue a Writ of Certiorarified Mandamus, or any other appropriate Writ or Order in the nature of a Writ to call for the records on the file of the 1st Respondent in his proceedings in 04/26869/2015 and Quash the Impugned Order dated 30.11.2015 passed by the 1st Respondent herein as highly illegal and further direct the Respondents to pay Financial Assistance / Compensation to the Petitioner for the loss incurred on account of the damage caused to the Petitioner's Boat "M.L. MANGALA" due to Tsunami High Tides on 26.12.2014.

For the Appellant : Mrs.Karthikaa Ashok

For the Respondents : Mr.P.Muthukumar
State Government Pleader



JUDGMENT

(Delivered by the Hon'ble Chief Justice)

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By this writ appeal, a challenge is made to the judgment dated 17.11.2021 passed by the learned Single Judge dismissing the writ petition.

2. The writ petition was filed to seek compensation for the loss of mechanized boat in the tsunami. The learned Single Judge examined the issue in reference to G.O.Ms.No.48, dated 29.1.2005 and, after recording reasons, dismissed the writ petition holding that the appellant is not entitled to the benefit under the aforesaid government order.

3. Learned counsel for the appellant submits that apart from the claim made under G.O.Ms.No.48, dated 29.1.2005, the appellant also pursued the claim in reference to other government orders, especially the government order under the Disaster Management Act, 2005, but the same has not been dealt with by the learned Single Judge.

4. Learned counsel for the appellant, however, submitted that the appellant may be permitted to withdraw the appeal with liberty to file a review petition before the learned Single Judge in reference to the claim under other government orders.

In view of the above, the appeal is dismissed as withdrawn with liberty as prayed for. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sasi

To

1. The Secretary to Government
State of Tamil Nadu,
Department of Fisheries,
Fort St. George,
Chennai - 600 009.



2. The District Collector,
Collectors' office,
Ma Singaravelar Maligai,
Chennai.

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+1cc to Mr.J.Ashok, Advocate, S.R.No.20036

+1cc to the Government Pleader, S.R.No.19872

W.A.No.683 of 2022

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