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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.34748 of 2019

G.Pothuvudai

...Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Nagapattinam,
Nagapattinam District.
2. The Thasildar,
Office of the Thasildar,
Vedaranyam,
Vedaranyam Taluk,
Nagapattinam District.
3. The Village Administrative Officer,
Office of the Village Administrative,
Voimedu West,
Vedaranyam Taluk,
Nagapattinam District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to issue the death benefit of the petitioner cows due to the Gaja Cyclone for the Amount of Rs.75000/- on the based on petitioner representation dated 09/02/2019 and 11/02/2019.

For Petitioner : Mr.R.Muruga Bharathi

For Respondents : Mr.TNC Kaushik
Additional Government Pleader.

O R D E R

The petitioner has approached this Court seeking compensation for the alleged death of his two cows and one calf. The gaja cyclone had hit various parts of Tamil Nadu on 15.11.2018 which resulted in casualties of several humans and



cattle. Petitioner claims that two cows and one calf belonging to him had fallen victim to the same. The very next day the petitioner had informed the Village Administrative Officer about the loss and enquiry has been conducted by the Revenue Inspector. The death certificate has been issued by the Animal Assistant Officer, on the basis of which, the petitioner claims compensation.

2. In the counter affidavit filed by the second respondent/ the Tahsildar at paragraph 12 states as follows:-

"12. Regarding the averments in para 8, 9 and 10 of the affidavit of the petitioner, it is submitted that if the cow and calf belonging to the petitioner died due to Gaja Cyclone, the petitioner ought to have approached the higher authorities i.e, Tahsildar and supervising Officers seeking relief. But he has given a representation only on 09.02.2019. It is further submitted that the petitioner has stated that he came to know the death of cow and calf on 16.11.2018, he should have reported the same to the concerned Assistant Surgeon of the nearby Veterinary Hospital, so as to inspect the same and to conduct the postmortem. But without doing so, the petitioner has obtained one Death Certificate alone by using his influence. On the basis of the representation made by the petitioner on 09.02.2019, the Revenue Inspector of Thagattur Firka has conducted discrete enquiry in the village and submitted his report on 31.12.2019 according to which there was no such loss of cow or calf to the petitioner. It is submitted that the petitioner has made a foisted claim on the basis of entry in the beneficiary list which was actually made on the false oral information given by the petitioner before the Village Administrative Officer concerned who had made entries even without seeing the body of the alleged cow or calf."

3. The contentions of the counter affidavit are based up on an enquiry report dated 31.12.2019, in conclusion of which the officer states that there is no basis on which the request of the petitioner could be considered, since the death of the cow and the calf has not been reported to the concerned Assistant Surgeon of the nearby Veterinary Hospital so as to cause inspection and conduct postmortem. The death certificate produced by the petitioner is disbelieved in the aforesaid circumstances.



4. In light of the categorical enquiry report and the counter affidavit filed, to which there is no effective response by the petitioner, this writ petition is devoid of merits and the same stands dismissed. There shall be no order as to costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sl/nst

To

1. The District Collector,
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Nagapattinam District.
2. The Thasildar,
Office of the Thasildar,
Vedaranyam, Vedaranyam Taluk,
Nagapattinam District.
3. The Village Administrative Officer,
Office of the Village Administrative,
Voimedu West, Vedaranyam Taluk,
Nagapattinam District.

+1cc to Mr.R.Murugabharath, Advocate, S.R.No.21931

+1cc to the Government Pleader, S.R.No.21757

W.P.No.34748 of 2019

MT(CO)
RGA(19/04/2022)