



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1032 of 2017 and

W.M.P.(MD)No.860 of 2017

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P.Selvaraj

... Petitioner

Vs.

1. The Secretary to Government,
Department of Environment and Forest
Secretariat,
Chennai - 9.

2. The District Collector,
Virudhunagar,
Virudhunagar District.

3. The Revenue Divisional Officer,
Aruppukottai Sub Division,
Virudhunagar District.

4. The Special Tahsildar,
(Social Security Scheme),
Kariapatti Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the second respondent in proceedings Na.Ka/L.4/44991-2015 dated 09.02.2016 and quash the same as illegal and unconstitutional, consequently direct the respondents to provide adequate compensation not less than Rs.3,00,000/- (Rupees Three Lakhs) to the petitioner under Tamil Nadu Chief Minister's Relief Fund, considering the death of the petitioner's son Dhayanidhi due to snake bite as it was caused due to the attack by wild animal, within the time stipulated by this Court.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

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O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

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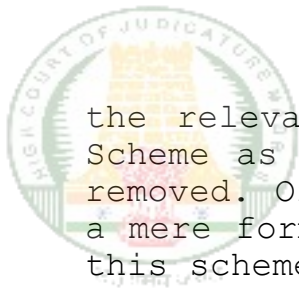
2. The petitioner's son Dhayanidhi aged about four years died on 29.09.2013 due to snake bite. Seeking compensation for the same, the petitioner moved the respondent authorities. Since it was not disposed of, he filed W.P.(MD)No.21164 of 2014. Vide Order dated 27.11.2015, the second respondent was directed to consider the petitioner's case. Pursuant to the said representation, the impugned order came to be passed rejecting the petitioner's request. The said rejection order is under challenge. The petitioner demands to payment of a sum of Rs.3,00,000/- as compensation.

3. The respondents have filed a detailed counter affidavit. The learned Special Government Pleader reiterated all the contentions set out therein. The primary stand of the respondents is that the petitioner is not entitled to compensation because he does not fulfill the income criteria. As per the norms governing the disbursement of compensation under the Chief Minister Public Relief Fund, the annual income of the claimant must be Rs.48,000/- or below. Since the petitioner's income is Rs.60,000/-, he is not eligible to receive any compensation. This is the stand of the respondents.

4. The learned counsel has produced a copy of the income certificate bearing No.DA9F688C69687D86 dated 15.05.2017 in which it has been mentioned that the petitioner is earning Rs.48,000/- p.a. The petitioner is a coolie worker. In such cases, this Court ought to take note of the subsequent developments also.

5. The petitioner had entered his name as well as that of the members of the family in the register maintained by the Village Administrative Officer under the Chief Minister's Farmers Security Scheme. It is stated that the members who have enrolled under the said scheme are entitled to a sum of Rs.1,00,000/- towards compensation in case of death. It is also stated that in case of death due to wildlife attack, the Forest Department has to pay a sum of Rs.1,00,000/- as compensation. Snakes would come under the category of wildlife. The petitioner's son suffered snake bite on 29.09.2013. He was rushed to Virudhunagar Government Hospital and thereafter he was referred to Madurai Government Rajaji Hospital for further treatment. But the child passed away enroute. The petitioner's counsel states that the petitioner's son was referred from Virudhunagar Government Hospital to Madurai Government Rajaji Hospital only because anti-venom serum was not available in Virudhunagar Government Hospital. Though the petitioner's counsel would want to develop his case on the basis of medical negligence, he states that the petitioner would be satisfied, if a sum of Rs.1,00,000/- is ordered to be disbursed as compensation.

6. At page No.8A of the typed set of papers, the name of the petitioner as well as the deceased Dhayanidhi have been entered in



the relevant register under the Chief Minister's Farmers Security Scheme as early as on 01.01.2013. The name of the child was later removed. Of course, the membership card was not issued. But that is a mere formality. I will proceed on the premise that at least under this scheme, compensation has to be paid.

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7. Looked at from any angle, a case for disbursement of compensation has been made out. Therefore, the order impugned in this writ petition is set aside. Respondents 1 and 2 are directed to disburse a sum of Rs.1,00,000/- (Rupees One Lakh only) to Latha, wife of the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

8. This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

PMU

To:

1. The Secretary to Government,
Department of Environment and Forest
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2. The District Collector,
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4. The Special Tahsildar,
(Social Security Scheme),
Kariapatti Taluk,
Virudhunagar District.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-24699[F]
dated 09/06/2022)

+1 CC to M/s.SPL.GP (SR-25150[F] dated 10/06/2022)

W.P.(MD)No.1032 of 2017

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