



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.2497 of 2017

Janakiselvi

... Petitioner

vs.

1.The District Collector,
Madurai District, Madurai.

2.Tahsildar, Madurai West,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication in Na.Ka.No.38699/2016/M1, dated 08.12.2016 on the file of the respondent No.1 and quash the same as illegal and consequently direct the respondents to provide Chief Minister Relief Fund and any job to the petitioner.

For Petitioner	: Mr.R.Venkatesan
For Respondents	: Mr.K.Balasubramani
	Special Government Pleader

ORDER

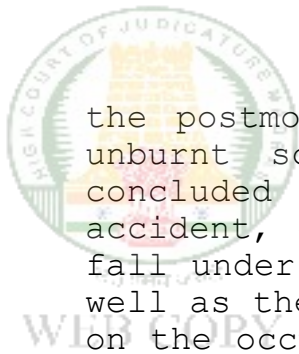
Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents.

2.The petitioner's husband was a tricycle driver. He was found dead on 23.09.2012. In this regard, a neighbor lodged a complaint and the same was also registered as Crime No.822 of 2012 on the file of the South Gate Police Station, Madurai. The petitioner applied to the first respondent for payment of ex-gratia under Chief Minister's Relief Fund. The petitioner's request was rejected by the impugned order dated 08.12.2016. The same is under challenge in this writ petition.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief. Per contra, the learned Special Government Pleader submitted that the impugned order is well founded and contains reasons. He pressed for dismissal of the writ petition.

4.I carefully considered the rival contentions and went through the materials on record. The stand of the respondents is that in

<https://hcservices.ecourts.gov.in/hcservices/>



the postmortem report kerosine smell was found emanating from the unburnt scalp of the petitioner. The respondents have further concluded that it is a case of self-immolation; only in a case of accident, ex-gratia payment can be made; the case on hand will not fall under that category. I went through the contents of the FIR as well as the postmortem report. In the FIR, it has been stated that on the occurrence date, the petitioner's house was on fire and that the husband of the petitioner was found charred to death. It is true that in the postmortem report, it has been mentioned that from the unburnt scalp, kerosine smell emanated. Admittedly, a criminal case was registered and therefore, it is only the investigating officer who could have rendered a finding as regards the cause of death. Even such a final report will not bind the court. The court has to take the final call. The respondents therefore erred in coming to a conclusion based on the observation found in the postmortem report.

5. On this ground, I set aside the impugned order. The petitioner is said to be belonging to a very poor strata. The petitioner had become a widow at the young age of 36 years. These are matters in which a broad and liberal approach has to be adopted. I therefore hold that the petitioner is entitled to receive ex-gratia from the Chief Minister's Relief Fund. I however refrain from mentioning any quantum. The first respondent may apply the relevant guidelines and disburse ex-gratia to the petitioner in view of her husband's untimely death that took place on 23.09.2012. The compensation will be disbursed within a period of twelve weeks from the date of receipt of copy of this order.

6. This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

skm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1.The District Collector,
Madurai District, Madurai.

2.Tahsildar, Madurai West,
Madurai.

+1 CC to M/s.R. VENKATESAN, Advocate (SR-25958[F]
dated 15/06/2022)

+1 CC to M/s.SPL.GP (SR-25833[F] dated 15/06/2022)

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