



WEB COPY



W.P.No.3909 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 06.06.2023**

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**THE HON'BLE MR.JUSTICE M.DHANDAPANI, J.**

**W.P. No.3909 of 2020**

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... Petitioner

Vs.

1. The Secretary,  
Fisheries and Animal Husbandry Department,  
Secretariat,  
Fort St. George,  
Chennai – 600 009.

2. The District Collector,  
Velipalayam,  
Nagapattinam – 611 001.

3. The Director,  
Directorate of Fisheries,  
Integrated Animal Husbandry and Fisheries Building,  
Nandanam,  
Chennai – 600 035.

4. The Superintendent of Police,  
Velipalayam,  
Elancheran Nagar,  
Nagapattinam – 611 001.

5. The Inspector of Police,  
Nagapattinam. \*

\* Impleaded vide order dated

10.03.2020 in W.M.P. No.6155 of 2020

...Respondents



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**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents to consider the petitioner's representation dated 29.11.2018 and for a consequential direction to pay Rs.20,00,000/- (Rupees Twenty Lakhs only) as Compensation to the petitioner herein towards the loss of petitioner son deceased Kaviarasan in deep sea.

For Petitioner : Ms. Deepika  
For Respondents : Mr.P.Sathish  
Addl. Govt. Pleader

### **ORDER**

The writ petition is filed for the issuance of a Mandamus, directing respondents to consider the petitioner's representation dated 29.11.2018 and for a consequential direction to pay Rs.20,00,000/- (Rupees Twenty Lakhs only) as Compensation to the petitioner herein towards the loss of his son deceased Kaviarasan in deep sea.

2. The brief facts of the case is that the petitioner's son by name Kaviarasan belonged to fisherman community ventured into sea for fishing along with other three fishermen in a Fiber Boat. While so, it is averred that his son fell down accidentally by adrift. Over a period, a male dead body was found near Thazhampettai Coast, though suspected



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as petitioner's son, the officials have not handed over the same to him, due to pendency of another man missing complaint. Further, it is stated that the deceased body was severely damaged and recovered in decayed condition, hence, there, DNA test was conducted and got confirmed that the deceased body was not his son. That being the position, he was unable to find out whether his son is alive or not. It is further stated that their Society has sanctioned a grant of temporary relief and thereby he is receiving Rs.250/- per day, since December 2019. However, it is his grievance that the same is not sufficient to take care of daily chores and medical needs. Ventilating the aforesaid grievances, he sent a representation to the respondents on 29.11.2019 seeking for compensation of Rs.20,00,000/- towards loss of his son, whereas the same has not been responded. Hence, he is constrained to file this writ petition with the aforesaid prayer.

3. Learned counsel for the petitioner submitted that he has sought for grant of compensation of Rs.20,00,000/- for the loss of the petitioner's son. He further submitted that the petitioner's son is the only bread winner of the family and also submitted that their family members are not in a position to proceed further either to apply for Death Certificate or Legal Heirship Certificate for petitioner's son. Hence, this Court may



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kindly consider the case of the petitioner and issue appropriate directions to the respondents in the above regard.

4. Per contra, Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents submitted his contentions based on the counter affidavit filed by the 2<sup>nd</sup> respondent that steps have been taken and relief in respect of missing fisherman was released, thereby the petitioner was granted an amount of Rs.1,70,250/- for the period from 11.10.2018 to 31.08.2020. Further, he submitted that the petitioner is entitled for an amount of Rs.2,00,000/- as Group Accident Insurance for the aforesaid loss. Hence, this Court may issue directions to the petitioner to submit appropriate application along with requisite documents before the 1<sup>st</sup> respondent for claiming the amount of Rs.2,00,000/-.

5. Heard the arguments placed by learned counsel on both sides and perused the materials placed on record.

6. From the submissions, it could be seen that the life risks of Fishermen is more, who spend their day to-day life maximum on the



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water for earning meagre money. The life of a fisherman is not like any other profession. It is not clear as to whether the petitioner's son is alive or not. However, it is clear that the respondents have taken steps to search for the petitioner's son, but in vain and the state of the petitioner's son is not clear. This Court can only sympathize with the position of the petitioner.

7. Be that as it may. On a perusal of counter affidavit, it could be seen that the petitioner was paid temporary relief of Rs.1,70,250/- for the period from 11.10.2018 to 31.08.2020 as the petitioner's son was a Member of Fishermen Co-operative Society, Sirkazhi. Though the aforesaid fact is admitted by the petitioner, due to loss of income earner in their family, the petitioner is seeking for compensation. But without proving the fact that the respondents are liable for the death of the petitioner's son, this Court cannot direct payment of any compensation by the respondents. While reading the counter affidavit further it reveals that the petitioner is entitled to claim a sum of Rs.2,00,000/- as compensation from insurance by submitting appropriate application along with requisite documents. On that score, the petitioner can seek his remedy. The petitioner can approach the revenue officials for obtaining the Death Certificate or Legal Heirship Certificate for his son.





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