



W.P.No.5309 of 2022
&WMP.No.5398 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.5309 of 2022
&WMP.No.5398 of 2022

N.Vinothini

...Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George,
Chennai 600 009.
- 2.The Special Officer,
Chief Minister's Special Cell,
Fort St.George,
Secretariat, Chennai – 600 009.
- 3.The District Collector,
Collector Office, GST Road,
Chengalpattu District – 603 001.
- 4.The Revenue Divisional Officer,
Taluk Office Complex, GST Road,
Tambaram West,
Chennai – 600 045.



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5.The Tahsildar,
Pallavaram Taluk Office,
Pallavaram, Chromepet,
Chennai – 600 044.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records connected the impugned order dated 31.08.2021 of the 3rd Respondent issued in Na.Ka.5543/2021/Pae.Mae. And quash the same and consequently to direct the 3rd Respondent to sanction of solatium under the Disaster Response Fund announced by the Hon'ble Chief Minister of Tamil Nadu, vide G.O.(Ms).No.380 dated 27.10.2015 to the petitioner for the loss of her father in the Vardah Cyclone.

For Petitioner : Mr.Hari Radhakrishnan

ORDER

The petitioner has preferred this Writ Petition impugning the proceedings of the third respondent by which the third respondent denied compensation under the provisions of Disaster Management Act.

2.According to the petitioner, the petitioner's father Nesabakthan passed away on 12.12.2016 when cyclone Vardah struck off the shores of



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Chennai. At the relevant time, the petitioner's father was waiting at MCC Bus Stand, Tambaram and according the petitioner, he was thrown off due to the cyclone.

3.The petitioner then made an application dated 14.03.2017 for compensation under the said Act. This was rejected by the District Collector/third respondent. In the impugned order dated 31.08.2021, the District Collector takes into account the postmortem certificate of late.Nesabakthan and also the statement of the witnesses. He records that there was no injury on the person of the deceased or traces of any drowning due to cyclone or any injury caused through falling of objects or trees due to cyclone. Since there is no trace of anything to associate the death of the petitioner's father with the cyclone, the District Collector/third respondent chose to decline paying compensation to the petitioner. This is now under challenge.

4.Heard the learned counsel for the petitioner and also perused the papers on record.



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5.On closely reading the papers, this Court finds that the District Collector/third respondent did not find any material to relate the death of the petitioner's father directly to the cyclone and this Court does not find his approach faulty. In this circumstance, this Court does not find any merit in this Writ Petition.

6.The Writ Petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

25.07.2023

Index : Yes/No
Internet : Yes/No
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N.SESHASAYEE, J.,

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Order made in
W.P.No.5309 of 2021



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