



WEB COPY



W.P.No.6957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.6957 of 2023

K.Pajany

... Petitioner

Vs.

1. The Secretary to Government,
Government of Puducherry,
Department of Revenue and Disaster Management,
Puducherry – 605 001.
2. The Special Secretary (Revenue),
Government of Puducherry,
Department of Revenue and Disaster Management,
Puducherry – 605 001.
3. The Relief Commissioner-cum-Secretary,
(Disaster Management),
Government of Puducherry,
Secretariat, Beach Road,
Puducherry – 605 001.
4. The District Collector,
Puducherry District Collector-cum-
Revenue Department,
Puducherry.
5. The Tahsildar,
O/o.the Tahsildar Office,
Villianur,
Puducherry – 605 110.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner representation and consequently direct the respondents to pay a sum of Rs.2,00,000/- (Rupees two lakhs) towards the Relief Fund Assistance due to the death of the petitioner's mother K.Periyanayagam @ Periyanayagi under natural calamity to the petitioner.

For Petitioner : Mr.R.Kalaiyarasi
For Respondents : Dr.P.Ramasamy
Additional Government Pleader
(Puducherry)

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus to direct the respondents to consider the petitioner's representation and consequently direct the respondents to pay a sum of Rs.2,00,000/- (Rupees two lakhs) towards the Relief Fund Assistance due to the death of the petitioner's mother K.Periyanayagam @ Periyanayagi under natural calamity to the petitioner.

2. It is the case of the petitioner that his mother is a widow and it is alleged that she died due to Thane cyclone. Due the said cyclone the Government of Puducherry has announced the Relief Fund Assistance to the



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family severely affected and also paid Rs.2,00,000/- to the deceased person.

While so, the petitioner applied for availing the benefit of the Relief Fund Assistance to the Department of Revenue and Disaster Management, Government of Pondicherry on 03.01.2012, who in turn forwarded the same to the fifth respondent. Since the same was not considered the petitioner made a representation before the Technical Officer Disaster Management Division, Ministry of Home Affairs, Government of India and the same was forwarded to the second respondent to take appropriate action, for which, the second respondent vide proceedings dated 17.09.2012, rejected the petitioner's claim on the ground that the petitioner's mother had natural death due to old age illness and not because of Thana Cyclone. Seeking to consider the petitioner's representation the present writ petition has been filed.

3. Though very many grounds have been raised in the present writ petition it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation within the time frame that may be stipulated by this Court.

4. Learned counsel appearing for the respondents has submitted that



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the second respondent vide proceedings dated 17.09.2012, rejected the petitioner's representation on the ground that the petitioner's mother died due to tuberculosis and not because of Thane Cyclone. He further submitted that without challenging the proceedings dated 17.09.2012 of the second respondent, filing the present writ petition seeking mere direction to the respondents to consider the petitioner's representation is not sustainable. Hence, he prayed to dismiss the present writ petition.

5. Heard learned counsel appearing on either side and perused the materials placed before this Court.

6. Admittedly the petitioner has made several representations before the respondents seeking Relief Fund Assistance, immediately after the death of his mother. In reply, the second respondent rejected the petitioner's representation vide proceedings dated 17.09.2012 citing the fact that the petitioner's mother died due to old age illness and not because of Thane Cyclone. However, without challenging the proceedings dated 17.09.2012, of the second respondent, filing the present writ petition seeking a mere direction to the respondents to consider the petitioner's representation is unsustainable.



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Hence, this Court is not inclined to pass any affirmative direction in favour of the petitioner. Accordingly, this writ petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law. No costs.

07.03.2023

Index : Yes / No
Speaking order / Nonspeaking order
Netrual Citation Case : Yes / No
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To

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Puducherry – 605 001.
2. The Special Secretary (Revenue),
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Department of Revenue and Disaster Management,
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(Disaster Management),
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M.DHANDAPANI, J.

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