



WEB COPY



W.P.No.16605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM :

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

W.P.No.16605 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



W.P.No.16605 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in his proceedings vide No.7204/SSR/RO/DM/2012, dated 17.09.2012 and to quash the same and consequently direct the respondents 2 to 5 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 (Thane Cyclone) to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.R.Kalaiyarasi

For Respondents : Mrs.Sharada Vivek
Additional Government Pleader
(Puducherry)

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus to quash the proceedings of the 2nd respondent vide No.7204/SSR/RO/DM/2012, dated 17.09.2012 and to consequently direct the respondents 2 to 5 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 (Thane Cyclone) to the petitioner within the time stipulated by this Court.



W.P.No.16605 of 2023

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 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. Challenging the same the present writ petition has been filed.

3. The learned counsel for the petitioner submits that though the petitioner's mother is eligible for the aforesaid relief, however without conducting proper enquiry, the second respondent has passed the impugned



W.P.No.16605 of 2023

proceedings dated 17.09.2012 stating that the petitioner's mother died only because of Tuberculosis and not because of Thane Cyclone which is unsustainable. Hence this Court may quash the impugned order dated 17.09.2012.

4. The learned Additional Government Pleader (Puducherry) appearing for the respondents has submitted that 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 the issue involved in the above writ petition pertains to disputed question of facts, which cannot be entertained by this Court under Article 226 of the Constitution of India. 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



W.P.No.16605 of 2023

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. Since the issue involved in the present case pertains to disputed question of facts, the same cannot be entertained under Article 226 of the Constitution of India. 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 canvass all his grievances before the Competent Civil Court. No costs.

06.06.2023

1/2

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

To

1. The Secretary to Government,
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Department of Revenue and Disaster Management,
Puducherry – 605 001.
2. The Special Secretary (Revenue),
Government of Puducherry,
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WEB COPY



W.P.No.16605 of 2023

M.DHANDAPANI, J.

rap

3. The Relief Commissioner-cum-Secretary,
(Disaster Management),
Government of Puducherry,
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Puducherry – 605 001.
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W.P.No.16605 of 2023

06.06.2023

1/2



WEB COPY



W.P.No.16605 of 2023

W.M.P.No.15901 of 2023

in

W.P.No.16605 of 2023

M.DHANDAPANI., J.

Dispensed with for the present.

06.06.2023

(2/2)

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