



W.P(MD)No.1951 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1951 of 2022

Kamala

... Petitioner

Vs

1.The Principal Secretary /
Commissioner of Revenue Administration,
Commissionerate of Revenue,
Administration and Disaster Management,
Chepauk,
Chennai - 05.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

4.The Tahsildar,
Pattukkottai Taluk,
Thanjavur District.

5.The Revenue Inspector,
Periyakkottai Range,
Pattukkottai Taluk,
Thanjavur District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant ex-gratia compensation to the petitioner for the death of petitioner's father namely Pothiyan due to Kaja Cyclone disaster in light of G.O.Ms.No.380 Revenue Department dated 27.10.2015 and G.O.Ms.No.246 dated 03.08.2017 by considering the petitioner's representation dated 27.03.2021.

For Petitioner : Mr.A.Arul Jenifer
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner has approached this Court for a Mandamus for grant of compensation in the light of the Government orders for the death of his father one Pothiyan due to Gaja cyclone disaster.

2.The learned counsel appearing for the petitioner submits that the petitioner's father died due to collapse of his house, during gaja cyclone on 16.11.2018. The Government has provided compensation based on the damages for the victims of Gaja Cyclone and this petitioner is also entitled for compensation as per the



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Government orders in G.O.Ms.No.380 Revenue Department dated 27.10.2015 and G.O.Ms.No.246 dated 03.08.2017. However, this petitioner's case has not been considered.

3.The learned Special Government Pleader appearing for the respondents submits that the petitioner's house collapsed due to Gaja Cyclone, for which he has been provided with a compensation of Rs.18,200/- and the same has also been credited to his bank account through ECS. With regard to the death of his father, there is no Post mortem certificate available. In the absence of Post Mortem Certificate, it cannot be assessed on what basis the petitioner's father died and hence no compensation has been awarded for the death of the petitioner's father.

4.In response, the petitioner's counsel submits that the petitioner's father died due to collapse of his house during gaja cyclone on 16.11.2018. The damages caused to his house was accepted by the respondent and they have also provided compensation as claimed by learned Special Government Pleader. At



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the same time, compensation for the death of the petitioner's father has not been considered. The petitioner has relied on the report of the Village Administrative Officer, wherein, it was stated that the petitioner's house got collapsed due to Gaja cyclone on 16.11.2018, thereby, the petitioner's father died.

5.This Court considered the rival submissions made and perused the materials placed on record.

6.During November 2018, Thanjavur District and around was affected by the Gaja cyclone, due to which, the petitioner's house was affected. The petitioner's father also died. The damages caused to the petitioner's house was compensated by way of payment of a sum of Rs.18,200/- to the petitioner. However, for the death of his father, no compensation has been awarded on the ground that no post mortem certificate is available. However, the Revenue Inspector has issued a certificate in favour of this petitioner that his father died due to collapse of his house, which was occurred during Gaja cyclone. The petitioner's application seeking



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compensation for the death of his father cannot be rejected merely on the ground that no post mortem certificate is available.

7.In view of the above, this writ petition is disposed of with a direction to the District Collector to conduct an enquiry with regard to the cause of death of the petitioner's father and consider the case of the petitioner sympathetically within a period of two weeks from the date of receipt of a copy of this order. No costs.

05.09.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

vrn

Order made in
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05.09.2023