



W.P(MD)No.7721 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7721 of 2023

K.Balakrishnan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St. George,
Chennai.

2.The District Collector,
Thanjavur Collector Office,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the rejection of petitioner representation by the 2nd respondent in Na.Ka.No.30946/2018/PM1 dated 08.11.2021 and quash the same as illegal.

For Petitioner : Ms.Juliet Latha

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.



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ORDER

Heard both sides.

2.The petitioner wants compensation for the demise of his wife during Gaja cyclone. The petitioner's case is that his wife died on account of wall collapse. The petitioner filed W.P.(MD)No.4391 of 2019 in this regard. On 15.09.2020, this Court directed the District Collector, Thanjavur to consider the petitioner's request. Pursuant to the order passed by this Court, the District Collector, Thanjavur passed the impugned order rejecting the petitioner's request. Challenging the same, the present writ petition came to be filed.

3.The learned counsel for the petitioner reiterated that the death of the petitioner's wife was only on account of the cyclone and that it was not due to any natural cause.

4.I am not satisfied with the submissions made by the learned counsel for the petitioner. As rightly pointed out by the learned



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Government Advocate, the petitioner's wife had been admitted in Thanjavur Medical College Hospital on 29.10.2018 and she remained there as an inpatient till 11.11.2018. The death had taken place on 16.11.2018. The stand of the respondents is that the death was due to natural causes. The petitioner's case is that it is not so. In that event, the burden is only on the petitioner. This burden has not been discharged.

5.Be that as it may, in the counter affidavit, it has been stated that a sum of Rs.22,500/- has been sanctioned as amount payable to the petitioner under Chief Minister's Uzhavar Pathukappu Thittam. The second respondent is directed to make the said payment to the petitioner immediately and without delay.

6.The learned counsel for the petitioner points out that the petitioner is a poor agriculturist and that his house is remaining in the same condition.

7.The petitioner is directed to submit an application to the second respondent for repairing his house. The second respondent will identify



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some scheme or the other so as to ensure that the petitioner is able to repair his house. The disbursement of the amount for repairing the petitioner's house will be done by the second respondent within a period of twelve weeks after submission of application by the petitioner.

8. Even while sustaining the impugned order, relief is granted to the writ petitioner in the above terms. This writ petition is disposed of accordingly. No costs.

15.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The Secretary,
Home Department,
Fort St. George,
Chennai.
2. The District Collector,
Thanjavur Collector Office,
Thanjavur.



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G.R.SWAMINATHAN, J.

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