



W.A.(MD) No.1035 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1035 of 2023

B.Balamurgan

... Appellant

-VS-

- 1.The State of Tamil Nadu
rep.by its Secretary
The Revenue and Disaster
Management Department
The State of Tamil Nadu
Fort St.George, Chennai
- 2.The District Collector
Office of the District Collector
Madurai
- 3.The Tahsildar
Peraiyur Taluk
Peraiyur
Madurai District

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 06.06.2022, passed in W.P.(MD) No.9179 of 2022, on the file of this Court.

For Appellant : Mr.R.Alagumani

For Respondents : Mr.J.Ashok
Additional Government Pleader

J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 06.06.2022, passed in W.P.(MD) No.9179 of 2022.

2. The appellant's father worked as a Government Teacher for more than 33 years and retired from service in the year 1994. It is also admitted by the appellant that his father was receiving pension. It is the case of the appellant that on 14.09.2010, his father, while he was sleeping in his house, was bitten by a poisonous snake and that his father died, despite he was taken to the Government Hospital for treatment. This incident is reported in Crime No.179 of 2010, under Section 174 of the Code of Criminal



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Procedure, on the file of Elumalai Police Station. It is not in dispute that the appellant's father died due to snake bite. The appellant's representation to the Tahsildar, Peraiyur Taluk, was rejected even in the year 2011. However, by giving subsequent representations from the year 2015, the appellant approached this Court by filing a writ petition in W.P.(MD) No.9179 of 2022 for a writ of mandamus directing the respondents to provide compensation under G.O.(D) No.160, Environment, Climate Change and Forests (FR.5) Department, dated 03.11.2021, for the death of his father due to snake bite. Since the appellant's representation was rejected by the Tahsildar, Peraiyur Taluk, way back in the year 2011 and the writ petition was filed only in the year 2022, the learned Single Judge dismissed the writ petition solely on the ground of delay and laches.

3. The appellant cannot take advantage of the subsequent representations and then, approach this Court with a grievance that his representation is not considered. Having suffered an adverse order in the year 2011, the appellant did not bother to challenge the same within a reasonable time. Hence, this Court finds no ground to interfere with the order passed by the learned Single Judge.



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4. Accordingly, this writ appeal fails and it is dismissed. No costs.

[S.S.S.R., J.]

[D.B.C., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Secretary,
The Revenue and Disaster
Management Department,
The State of Tamil Nadu,
Fort St.George, Chennai.
- 2.The District Collector,
Office of the District Collector,
Madurai.
- 3.The Tahsildar,
Peraiyur Taluk,
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