



W.P(MD)No.13413 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :24.03.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.13413 of 2014 and
MP(MD) No.1 of 2014

S.Therasal

Petitioner

Vs

- 1.Tamilnadu Fishermen Welfare Board,
Rep by the Assistant Director of Fisheries,
East Coast Road,
Neelangarai,
Chennai-600 015.
- 2.The Assistant Director of Fisheries, (Marine)
Pudukkottai District,
Pudukkottai.
- 3.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
- 4.Tmt.Victoria

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order issued by the first respondent in his proceedings in க.எண்.4/த.ந.வா2012/



W.P(MD)No.13413 of 2014

விபத்து/மரணம்-13 நாள்.21.11.2012 and quash the same and consequently direct the first respondent herein to pay all the monetary benefits to the petitioner for the death of her husband namely Udayaseelan and also further direct the respondents herein to recover the amount from the fourth respondent herein.

For Petitioner	:No appearance
For R1 and R2	:Mr.S.Shaji Bino Special Government Pleader
For R3	:Mr.P.Kottaichamy Government Advocate for R3
For R4	:No appearance

ORDER

This writ petition was filed as against the proceedings of the first respondent in க.எண்.4/த.ந.வா2012/விபத்து/மரணம்-13 நாள்.21.11.2012 and consequently to direct the first respondent herein to pay all the monetary benefits to the petitioner for the death of her husband namely Udayaseelan.

2.The petitioner's husband Udayaseelan, a fisherman, who went to sea for fishing died on 08.04.2011. The Tamil Nadu Fisherman Welfare Board has provided compensation to the



W.P(MD)No.13413 of 2014

fishermen upto Rs.1,00,000/- and a sum of Rs.2,500/- towards funeral expenses. The petitioner's mother in law, namely, Victoria W/o Selvaraj appears to have applied for the compensation from the Tamil Nadu Fishermen Welfare Board along with the consent letter in a stamp paper as if the petitioner, who is the wife of deceased Udayaseelan is not having any objection for grant of compensation to the said Victoria, the mother of the deceased. Accordingly, the compensation on the death of the said Udayaseelan/deceased fisherman was handed over to his mother Victoria W/o Selvaraj on 21.11.2012 and that order is under challenge in this writ petition.

3.Today(24.03.2023), when this writ petition is taken up for hearing, there is no representation for the petitioner.

4.The learned Special Government Pleader by relying upon the affidavit filed by the Assistant Director of Fisheries, Pudukottai submits that Tmt.Victoria W/o Selvaraj approached Tamil Nadu Fishermen Welfare Board along with the stamp paper



W.P(MD)No.13413 of 2014

worth Rs.20/- as if the petitioner has given a consent letter for disbursing the amount to the said Victoria. Accordingly, they have sanctioned the compensation to Tmt.Victoria W/o Selvaraj. The learned Special Government Pleader further submits that the consent letter was also notarized by the Notary public. The learned Government Pleader also produced the legal heir certificate issued by the Tahsildar, Manamelkudi in the year 2011 for the deceased Udayaseelan, wherein, it was stated that the following persons are his legal heirs.

1.Therasa	Wife
2.Janani	Daughter
3.Yovan	Son
4.Victoria	Mother
5.Selvaraj	Father

5.This Court perused the affidavit and the materials placed on record as well as the submissions made by the learned Special Government Pleader.

6.The petitioner claims to be the wife of one



W.P(MD)No.13413 of 2014

Udayaseelan, a fisherman, who died in an accident on 08.04.2011.

The legal heirs of the said Udayaseelan are entitled for a compensation from the Tamil Nadu Fishermen Welfare Board to an extent of Rs.1,00,000/- and a sum of Rs.2,500/- towards funeral expenses. One Victoria W/o Selvaraj claimed to be the mother of the said Udayaseelan has obtained the compensation amount with a consent letter of the petitioner. However, the petitioner denied the consent letter said to have been given by her that the said letter might be a fabricated one. On the other hand, the respondent has taken a specific stand that the consent letter of the petitioner was also attested by a Notary public and was executed in a stamp paper. Hence, they have acted upon and disbursed the compensation amount to the said Victoria. When there is an objection from the petitioner as to the authenticity of the consent letter, in all fairness, the respondent ought to have ascertain the truth by verifying the signature in the consent letter with handwriting expert. If the authorities finds that the consent letter was obtained by producing any fabricated document, necessary criminal prosecution has to be



W.P(MD)No.13413 of 2014

initiated as against the concerned persons, including the notary public.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions is closed.

24.03.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

- 1.The Assistant Director of Fisheries,
Tamilnadu Fishermen Welfare Board,
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Neelangarai,
Chennai-600 015.
- 2.The Assistant Director of Fisheries, (Marine)
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W.P(MD)No.13413 of 2014

B.PUGALENDHI, J

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