



W.P(MD)No.2170 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2170 of 2024

and

WMP(MD)Nos.2182 and 2184 of 2024

A.Aasisha

.. Petitioner

-Vs-

1. The Commissioner,
Fisheries and Fishermen,
Welfare Department,
Chennai-35.

2.The Joint Director(Regional),
Fisheries and Fishermen,
Welfare Department,
Nagapattinam.

3.The Assistant Director,
Fisheries and Fishermen,
Welfare Department,
Tanjore.

4.The Inspector,
Fisheries and Fishermen,
Welfare Department,
SethuBavvaChatram,
Tanjore.

.. Respondents



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PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for record relating to the proceedings of the 3rd respondent made in Na.Ka.No.2925/A2/2022 dated 28.01.2023 and quash the same and consequently direct the respondents to grant the compensation for the petitioner for the loss of her husband by an accident through group insurance scheme under PMMSY (Pradhan Mantri Matsya Sampada Yojana) to compensate the loss of the petitioner's husband who died in an accident.

For Petitioner : Mr.S.Suresh Kumar Isaac Paul

For Respondents : Mr.SRA.Ramachandran,
Additional Government Pleader

ORDER

The petitioner filed this writ petition seeking for issuance of writ of Certiorarified Mandamus, to quash the proceedings of the 3rd respondent made in Na.Ka.No.2925/A2/2022 dated 28.01.2023 and consequently direct the respondents to grant the compensation for the petitioner through group insurance scheme under PMMSY (Pradhan Mantri Matsya Sampada Yojana) to compensate the loss of the petitioner's husband, who died in an accident.



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2. The petitioner is the housewife and she has been running a petty shop outside her house and her husband Aslam Ali, who subsequently changed his name as Abdul Salam in the year 2020 which was also published in the official Gazatte of Tamil Nadu Government and he is a fisherman. On 18.08.2022, while he was riding his two wheeler bearing registration No.TN 49 CX 0760 XL100 Heavy Duty, at about 12.30 at ECR road, hit by another two wheeler Royal Enfield on the backside and sustained heavy injuries and was admitted in the Muthumeenakshi Hospital, but he died on 26.08.2022 and the FIR was registered in Crime No.411 of 2022 for the offence under Sections 279 and 337 of IPC on the file of the SethubavaaChatram Police Station. Thereafter, the petitioner applied for compensation through Group Insurance meant for fishermen under PMMSY Scheme. But the 3rd respondent denied her claim vide the impugned proceedings dated 28.01.2023, stating that the petitioner's husband is not at all a fisherman and in the documents it was mentioned as he was running a petty shop. Hence, to quash the said proceedings and for a further direction to the respondents to grant the compensation for the petitioner for her husband's death through PMMSY scheme, the petitioner has approached



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this Court.

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3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The learned counsel for the petitioner submitted that the petitioner's husband is a fisherman and his profession is fishing in the sea. The petitioner is running a petty shop outside her house. When there is no work in the sea, her husband was used to sit in her petty shop. But mistakenly in the FIR, it was mentioned as he was running the petty shop. Since the petitioner is an illiterate, the said complaint was written by some other person in the police station and the petitioner only affixed the signature. Further, the petitioner is deaf by birth and she could not hear or answer the questions accurately and the petitioner is having three female children. He further submitted that the petitioner's husband had obtained a fisherman identity card issued by the 3rd respondent, which clearly establishes the fact that he is a fisherman. Hence, he seeks interference of this Court.



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5. The learned Additional Government Pleader submitted that the petitioner's claim was rejected by the 3rd respondent on the ground that the petitioner's husband was running a petty shop. In order to find out the real facts, the police conducted investigation and the 3rd respondent received the investigation report on 12.01.2023, in which it is stated that the petitioner's husband is a member of the Fishermen Co-operative Society, Sambapattinam and he was doing his own petty shop business in the village for the past 10 years and hence, the petitioner is not entitled for compensation as per the Rules prescribed and subsequently, the 3rd respondent has rejected the petitioner's claim vide his proceedings dated 28.01.2023.

6. On going through the conditions enumerated for receiving compensation, it is seen that they have to give an application along with the copy of the FIR, any order from the Tribunal, postmortem Report, other recommendation letters, birth certificate and LR certificate and any other connected materials and it shows there is no such clause/condition found that the fisherman's wife cannot run a petty shop business and if she is having such business, she is not entitled for the same. Further from the



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materials produced, it is seen that the petitioner's husband is a member of Marine Fishermen Society, Thanjavur and his membership number is 157. He is also having the identity card issued by the Assistant Director of Fisheries, Marine, Thanjavur, in Identity Card No.989 in which it is mentioned that he is a country craft fishermen. Without considering all these aspects, the third respondent, based on the investigation report alone, simply rejected the claim of the petitioner, which is not legally accepted. Further, it is seen that there is no such condition that the fishermen's wife cannot run a petty shop for their livelihood and the same shall be the reason to deny the claim made by her after her husband's death. Hence, the impugned proceedings is liable to be set aside.

7. In view of the above, the proceedings of the 3rd respondent in Na.Ka.No.2925/A2/2022 dated 28.01.2023 is hereby quashed. The authorities concerned/respondents 1 to 4 herein, are directed to hold a fresh enquiry and pass appropriate orders on the application made by the petitioner for grant of compensation through group insurance scheme under PMMSY (Pradhan Mantri Matsya Sampada Yojana) to compensate the loss of the petitioner's husband, who died in the accident, within a period of



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eight weeks from date of receipt of a copy of this order.

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8. With the above direction, this Writ Petition is allowed. No Costs.

Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes
PJJ

To

1. The Commissioner,
Fisheries and Fishermen,
Welfare Department, Chennai-35.

2. The Joint Director (Regional),
Fisheries and Fishermen,
Welfare Department, Nagapattinam.

3. The Assistant Director,
Fisheries and Fishermen,
Welfare Department, Tanjore.

4. The Inspector,
Fisheries and Fishermen,
Welfare Department, SethuBavvaChatram, Tanjore.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

PJL

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