



W.P.(MD)No.1363 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.1363 of 2018
and
W.M.P.(MD)No.1450 of 2018

V.S.Gopalsamy

... Petitioner

/Vs./

1. The District Collector
Virudhunagar District,
Virudhunagar.

2. The Tahsildar
Sivakasi,
Virudhunagar District.

3. The Manager,
New India Assurance Company Ltd.,
No. 77/78, South Car Street, First Floor,
Sivakasi, Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the proceedings in Na.Ka.No.Aa1/13141/2016 dated 19.10.2016 of the 2nd respondent quash the same and consequently direct the respondents to pay the adequate compensation to the petitioner for the loss sustained by him due to the fire accident on 02.07.2016.



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For Petitioner : M/s.P.Rohini

For Respondents : Mr.D.Gandhi Raj

Special Government Pleader for R1 &2

: Mr.N.Dilip Kumar for R3

ORDER

This writ petition has been filed to quash the proceedings of the second respondent in Na.Ka.No.Aa1/13141/2016 dated 19.10.2016 and consequently direct the respondents to pay the adequate compensation to the petitioner for the loss sustained by him due to the fire accident on 02.07.2016.

2. The petitioner is running a printing press at Door No.159, P.K.N.Road, Sivakasi, Virudhunagar District. While being so, on 02.07.2016, there was a fire accident occurred just opposite to the press. Due to which, his building, stock in trade, machinery and other valuable materials were destroyed and the loss is estimated at Rs.40,00,000/- (Rupees Forty Lakhs only). An F.I.R in Crime No.497 of 2016 has been registered under various offences. Therefore, the petitioner submitted a representation, seeking compensation from the second respondent.



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3. Admittedly, the accident occurred in the private person's shop and due to which, the petitioner's shop got damaged and sustained loss. That apart, the said shop is insured with the third respondent and the claim made by the petitioner has been considered and paid. However, without satisfying the same and suppressed the said fact, submitted an application before the second respondent for seeking compensation. The second respondent is in no way connected with the loss occurred to the petitioner and the representation is rightly rejected by the second respondent. If at all any grievance over the claim, the petitioner can initiate proceedings as to the loss in the manner known to law.

4. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes/No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

LS

TO:-

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Virudhunagar District,
Virudhunagar.
2. The Tahsildar
Sivakasi,
Virudhunagar District.
3. The Manager,
New India Assurance Company Ltd.,
No. 77/78, South Car Street, First Floor,
Sivakasi, Virudhunagar District.

Order made in
W.P.(MD)No.1363 of 2018

Dated:
05.11.2024