
(2014) 11 MAD CK 0452

In the Madras High Court

Case No : Writ Petition (MD). No. 18020 of 2014

Bassalis

APPELLANT

Vs

The District Collector, Kanyakumari District

RESPONDENT

Date of Decision : 10-11-2014

Acts Referred:

Citation : (2014) 11 MAD CK 0452

Hon'ble Judges : M. Venugopal, J

Bench : Single Bench

Judgement

M. Venugopal, J.—The petitioner has filed the present writ of mandamus for passing of an order of this Court in directing the first respondent to disburse the relief amount of Rs. 1,00,000/- with funeral expenditure of Rs. 2,500/- with interest, payable on account of the death of her husband namely Royappan on 08.12.2008 following a motor accident.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. According to the petitioner, her husband R. Royappan was an agricultural labour, who died on 08.12.2008 by means of a road accident and after his death, his family got isolated and she is living alone. It is also represented that the petitioner is a diabetic patient and further she has blood pressure. After the demise of her husband, she could not go for any job and due to her illness, she is depending on somebody for her survival.

4. It appears that she had given representations before the first respondent/ District Collector on 28.06.2009, 25.01.2010, 18.11.2011 and 04.01.2012 in person praying to disburse the amount payable on account of the death of her husband. Then, she made a representation to the first respondent through registered post on 29.11.2012. In-spite of repeated representations made by her, the same had fallen on deaf ears and till date, she has not received any benefit from the Government for the death of her husband.

5. It comes to be known that the petitioner filed W.P. (MD). No. 10457 of 2013 before this Court and the first respondent issued a cheque for Rs. 10,000/- on 13.07.2013. However, the stand of the petitioner is that she has a right to get Rs. 1,00,000/- towards compensation and Rs. 2,500/- as funeral expenditure. Further, she had obtained the details about the scheme under the Right to Information Act from her counsel. Based on the statement filed by the Sub-Collector, Nagercoil, earlier writ petition in W.P. (MD). No. 10457 of 2013 came to be disposed of on 15.09.2014. She also made a representation before the first respondent on 08.10.2014 to disburse the relief amount of Rs. 1,00,000/- and funeral expenses of Rs. 2,500/- with interest. However, no action has been taken till date by the first respondent. Hence, the petitioner has filed the present writ petition.

6. At this stage, the learned counsel placed heavy reliance on the letter of the Director of Land Reforms, Chepauk, Chennai-5 addressed to the petitioner's counsel, dated 18.12.2013 in Na. Ka. No. J1/11515/2013 (***), whereby and whereunder, it was informed as follows:

7. From the above, though it is clear that the said scheme of the year 2006 is presently not in force, but as per the said scheme, in case of death, the relief amount of Rs. 1 lakh and funeral expenses of Rs. 2500/- were to be paid. It appears that these facts are undisputed and uncontroverted, in the considered opinion of this Court.

8. Be that as it may, in view of the fact that the petitioner's advocate was informed by the Land Reforms Director, Chepauk, Chennai-5 through his communication dated 18.12.2013 to the effect that as per the Agriculturists Social Security and Welfare Scheme-2006, in case of death by accident of agriculturists, a relief of Rs. 1 lakh and funeral expenses of Rs. 2,500/- were to be awarded. This Court, in the interest of justice and fair play directs the first respondent and look into the reply of the Land Reforms Director, Chepauk, Chennai-5, addressed to the petitioner's advocate dated 18.12.2013, in a fair, impartial, free, unbiased manner and after consideration of the same, is to pass a reasoned order on merits in favour of the petitioner within a period of six weeks from the date of receipt of a copy of this order. If the first respondent comes to an inevitable and irresistible conclusion that the petitioner is eligible to claim a sum of Rs. 1 lakh for her husband's death, due to accident, namely a sum of Rs. 1 lakh, funeral expenses at Rs. 2,500/-, then the first respondent shall take steps in all earnestness to disburse the same in the manner known to law and in accordance with law.

9. With the aforesaid directions, this Writ Petition is disposed of. No costs.