

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27. 07.2005

CORAM

THE HONOURABLE MR. JUSTICE P. D. DINAKARAN

WRIT PETITION NO. 24063 OF 2005 AND

W. P. M. P NO. 26235 OF 2005

Raju  
346, Srilankan new Refugees Camp  
Trindivanam

.....Petitioner

Versus

1. The State of Tamilnadu  
Rep. by the Secretary  
Home Department  
Fort St. George,  
Chennai – 600 009
2. Union of India  
Rep. by the Secretary  
Home Department  
New Delhi.
3. The Officer on Special Duty (Relief)  
Ezhilagam  
Chennai – 5
4. The District Collector  
Collectorate  
Villupuram District  
Villupuram

.....Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus directing the fourth respondent to pay the compensation to the petitioner for the death of his daughter Hirthika in the tsunami waves, granted by the First and Second Respondents.

For petitioner

.....M/s. D. Geetha

For Respondent

.....Mr. E. Sampathkumar,  
GA

**ORDER**

1. Petitioner prays for a direction to the respondents to pay the compensation for the death of his daughter Ms. Kirthika, who lost her life in the Tsunami waves on 26.12.2004, as announced by the Government of Tamilnadu in G. O. Ms. No. 574, Rev (NC III) Department dated 28.12.2004 and the compensation announced by the Union Government.
2. The petitioner is a Srilankan Citizen by birth. He came to India along with his family from Srilanka due to the internal disturbances in Srilanka in the year 1990. He was placed at the Vaniyaru Refugee Camp, Pappireddipatti Taluk Dharmapuri District in Tamilnadu on his arrival. While he was living there with his family, his daughter Hirthika was born on 20.01.1992. Her birth has been registered with the Registrar of Births.
3. As he was involved in the fishing business in Srilanka, he moved to the Srilankan refugee camp at Keexhpathupattu, Dindivanam Taluk, Villupuram District along with his family to seek out his livelihood by continuing the fishing business. Since he was not permitted to live inside the camp, he was living on the coast at No. 14, III Cross Street, Mudaliar Kappam, Goonimdu, Villupuram District from 2002 onwards. His daughter Hirthika, aged 13 years was studying in 6<sup>th</sup> standard in the Government High School, Mudaliarpet. On 26.12.2005, when the tsunami struck the coast, she was swept away by the Tsunami waves and washed away all his belongings along with his house. On 29.12.2004 he came to know about the death of his daughter.
4. As per G. O. Ms. No. 574, Rev. (NC III) Department, dated 28.12.2004 and the compensation announced by the Union Government, the petitioner is entitled to get compensation of Rupees one lakh. In regard to the same, the Panchayatars, sent a representation-dated 07.02.2005 to the respondents. As there was no response, he gave a complaint to the Tsunami Legal Action Committee (TLAC). According to the petitioner, though he is a Srilankan Refugee, his daughter is a Indian National and hence entitled to the benefits of the Government Order. Hence, the present writ petition.
5. Heard the Learned Counsel for the petitioner as well as the learned Government Advocate on behalf of the respondents.
6. G. O. Ms. No. 574, Revenue (NC.III) Department, dated 28.12.2004 reads as follows:

Revenue (NC III) Department

G. O. Ms. No. 574  
Dated 28.12.2004

Order:

- 1 A massive tidal wave of extreme ferocity caused by the effect of Earthquake off the Indonesian Coast hit Tamil Nadu and smashed everything in sight to nothing. It is an extraordinary calamity of rare severity and the damage has been unprecedented.

- 2 An extremely high death – toll has occurred in the space of a few minutes. Nagapattinam District is the worst affected. Cuddalore, Kanniyakumari, Kancheepuram and Chennai Districts have also been severely affected. The damage is along the entire coast line of Tamil Nadu.
- 3 As per the reports so far received from the District Collectors/ SC & CRA, on 28.12.2004, the death toll is reported to be 4904. The list is enclosed. The Hon'ble Chief Minister has announced an immediate relief at the rate of Rs. 1 lakh per person dead in the family (next of kin) from the Chief Minister's Public Relief Fund.
- 4 In pursuance of the announcement made by the Hon'ble Chief Minister, an amount at the rate of Rs. 1 lakh per person dead in the calamity is sanctioned from the Chief Minister's Public Relief Fund to the families of the deceased.
- 5 The Joint Secretary to Government, Finance Department is requested to issue necessary cheques from the Chief Minister's Public Relief Fund to the respective District Collectors.
- 6 The Collectors of the respective districts are requested to identify the legal heirs of the deceased persons and disburse the amount in the form of an account payee cheque or a post office saving bank account after obtaining the appropriate stamped receipt from the beneficiaries. The District Collectors shall also prepare a list containing the names of persons dead family – wise and the legal heirs to whom the above relief amount is disbursed with details of address and send the same to the Government in Finance (CMPRF) Department along with the stamped receipt for the amount disbursed duly attested by an Officer not below the rank of Tahsildar.
- 7 The order issues with the concurrence of the Finance Department vide its U. O. No. 87172 / CMPRF / 04 dated 28.12.2004.

(BY ORDER OF THE GOVERNOR)

R. SATAPATHY,  
SECRETARY TO GOVERNMENT

7. In the facts and circumstances of the case, suffice it to direct the respondents to consider the claim of the petitioner in the light of G. O. Ms. No. 574, Revenue (NC III), Department, dated 28.12.2004, if the petitioner is entitled to the benefits of the said Government Order and pass appropriate orders on merits, within a period of eight weeks from the date the date of receipt of copy of this order.
8. The writ petition is disposed of accordingly. No costs Connected WPMP is closed.

Sd/-  
Asst. Registrar

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