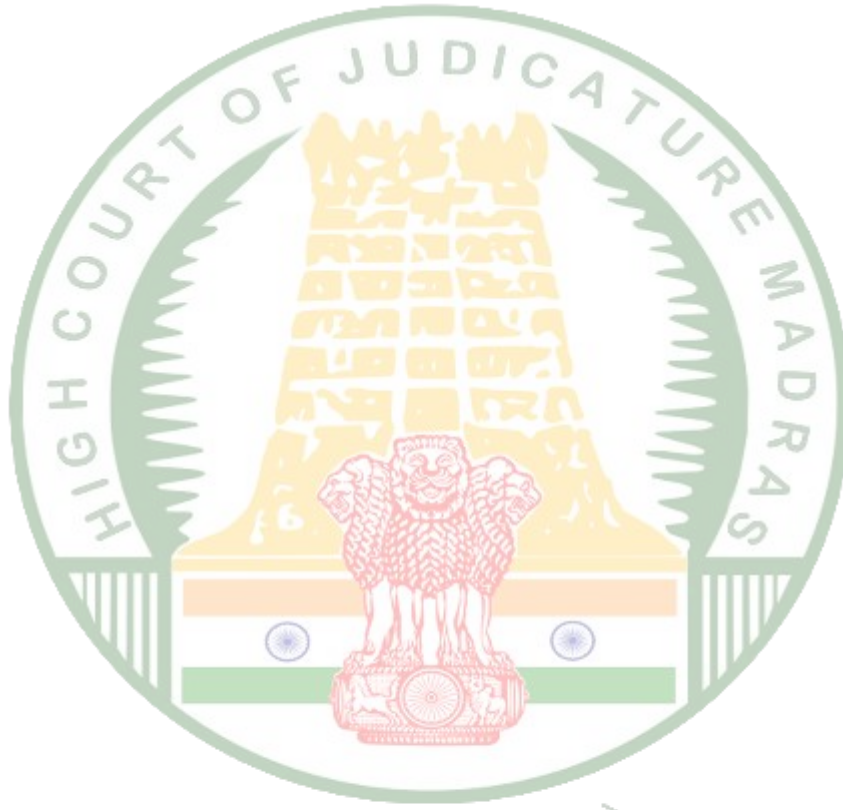




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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2016
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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18517 of 2016
And
W.M.P.Nos.16201 and 16202 of 2016

M.Paramasivam

... Petitioner

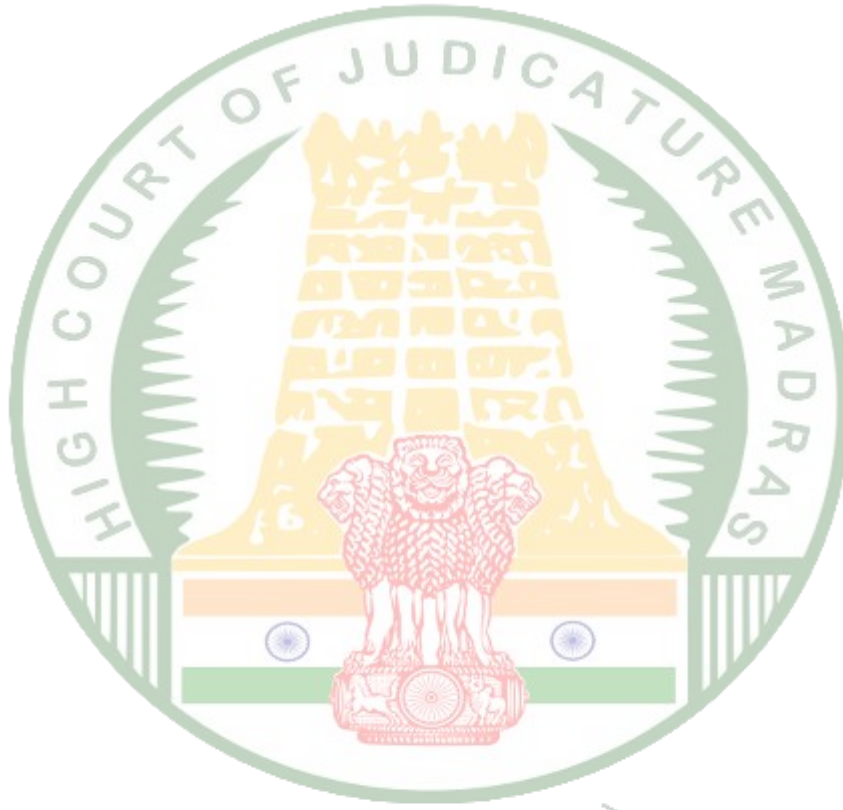
Vs.

- 1 The District Collector,
Nagapattinam District.
- 2 The Revenue Divisional Officer,
Mayiladuthurai Revenue Division,
Nagapattinam District.
- 3 The Tahsildhar,
Tharagambadi Taluk,
Nagapattinam District.
- 4 The Superintendent of Police,
Nagapattinam District.
- 5 The Deputy Superintendent of Police,
Myladuthurai, Nagapattinam District.
- 6 The Inspector of Police
Sembanarkoil Police Station,
Sembanarkoil, Nagapattinam District.
- 7 S.Mathivanan
- 8 M.Devendran
- 9 M.Nagarathinam
- 10 M.Balachandar
- 11 J.Sundaramoorthy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents 1-6 forbearing the Respondents 7-11 & their Agents permanently from continuing their illegal Acts of disturbing & interfering the day-to-day Agricultural Activities of the petitioner i.e. the Government-aided Mechanized Agricultural Activities carried out in the Agricultural Lands belonging to this petitioner in Survey Nos.246 & 248 of the Memathur Village, Tharangambadi Taluk,



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Nagapattinam District and thus ensuring & restoring this petitioner's Livelihood & the Constitutional Rights of Life & Profession.

For Petitioner : Mr.P.Nethaji

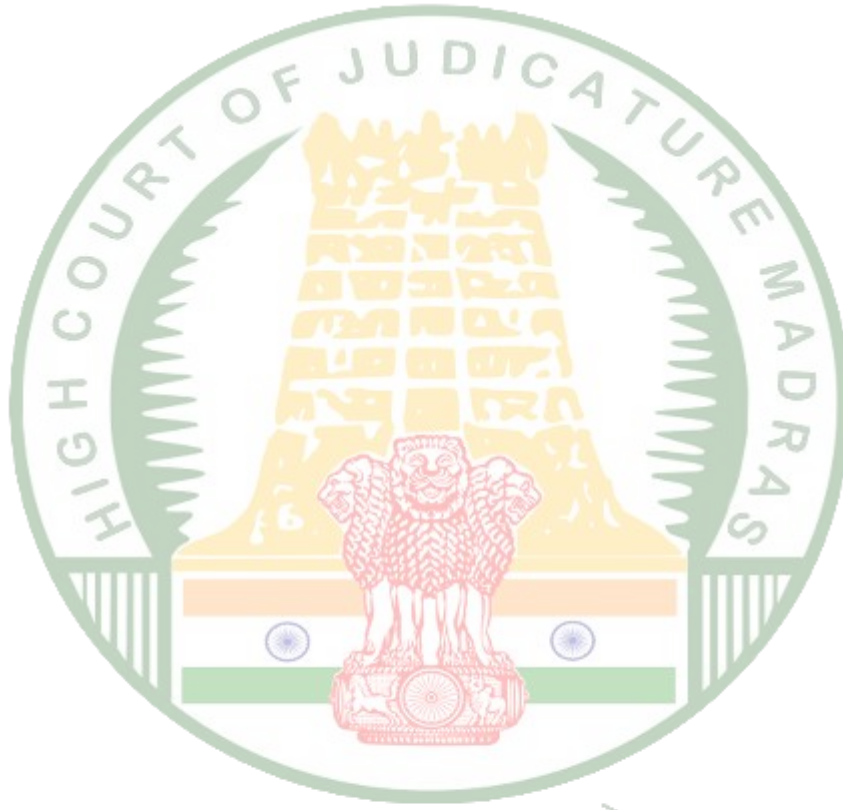
For Respondents : Mr.R.Govindasamy for R1 to R6
Special Government Pleader
Mr.R.Shivakumar for R7 to R11
for M/s.K.M.Vijayan Associates

O R D E R

The grievance expressed by the petitioner is that in pursuant to the recommendation of various scientific methodologies granted by the Government of Tamil Nadu for the purpose of preparing 'Nattrangals' as 'raised bed seedling', and transplant the same on the wet field, the petitioner began the process by using the machinery (transplanter) during the last week of April, 2016 as usual and all of a sudden, the respondents 7 to 11 claiming to be agricultural workers, illegally trespassed into the lands of the petitioner and stopped the agricultural activities using the muscle power of anti-social elements and also gave life threatening. The petitioner in this regard, gave a complaint before the sixth respondent and the sixth respondent has also registered a case under Section 107 of Cr.P.C.

2.The learned counsel appearing for the petitioner would submit that the petitioner is using the machinery in his own paddy lands and the private respondents 7 to 11 cannot have any say, as to the usage of the machine and prays for appropriate orders.

3.Per contra, Mr.R.Govindasamy, learned Special Government Pleader appearing for the official respondents has drawn the attention of this Court to the counter affidavit and would submit that in this regard, a case in Crime No.177 of 2016 was registered by the sixth respondent under Section 107 of Cr.P.C. and the second respondent has convened a peace meeting of both parties on 25.05.2016 and 02.06.2016 and an order was passed on 07.06.2016 through mutual consent, wherein, the agriculturists are at liberty to carry on cultivation activities through advanced technology by operating machineries and during the next cultivation season, the cultivation operation shall be done manually through agricultural labourers and both parties have also executed bonds to that effect. The learned Special Government Pleader has also drawn the attention of this Court to the proceedings of the Revenue Divisional Officer, Mayiladuthurai dated 07.06.2016.



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4.Mr.R.Shivakumar, learned counsel appearing for the private respondents would submit that since the agricultural labourers are eking out their livelihood solely on agricultural operations and usage of new machinery may spell doom of their livelihood and accordingly, both parties have arrived at an amicable settlement and in the light of the same, nothing survives for adjudication in this writ petition.

5.The learned counsel appearing for the petitioner would submit that the petitioner is not a signatory to the said order and therefore, he cannot bind by the same.

6.This Court has considered the rival submissions and also perused the materials placed before it.

7.In the light of the proceedings of the Revenue Divisional Officer, Mayiladuthurai, dated 07.06.2016 coupled with the stand of the first respondent in the counter affidavit, this Court is of the view that nothing survives for adjudication in this writ petition as on today. Therefore, the writ petition is closed. No costs. Consequently, connected miscellaneous petitions are also closed. However, if the petitioner is so aggrieved by the order of the Revenue Divisional Officer, Mayiladuthurai, dated 07.06.2016, he is at liberty to challenge the same, in accordance with law, before the competent forum.

Sd/-

Asst.Registrar (CS -III)

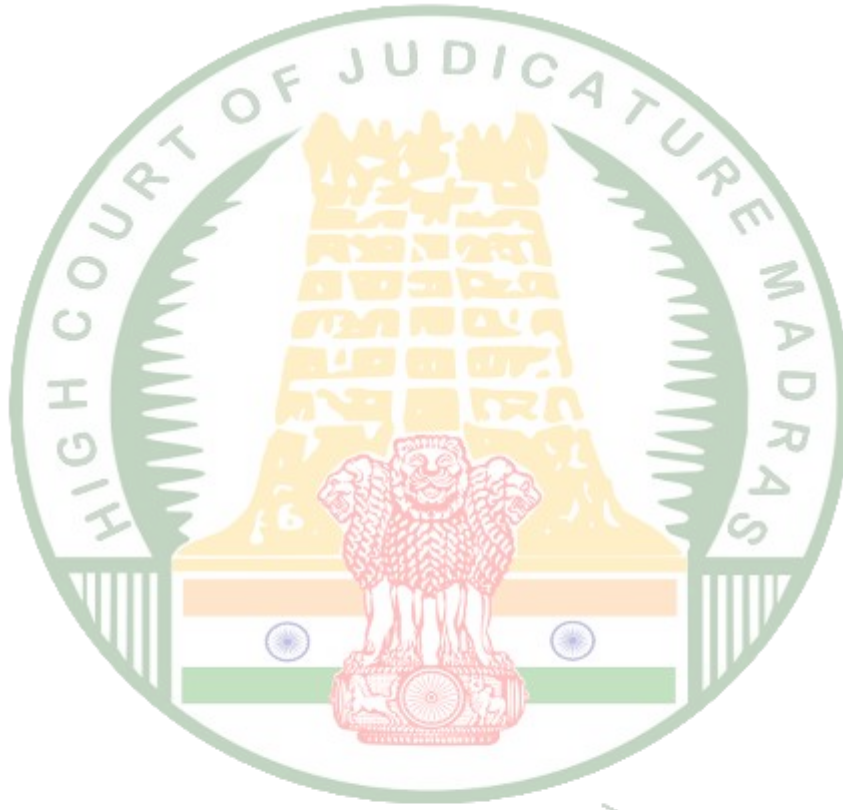
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Sub Asst. Registrar

pri

To

- 1 The District Collector,
Nagapattinam District.
- 2 The Revenue Divisional Officer,
Mayiladuthurai Revenue Division,
Nagapattinam District.
- 3 The Tahsildhar,
Tharagambadi Taluk,
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- 4 The Superintendent of Police,
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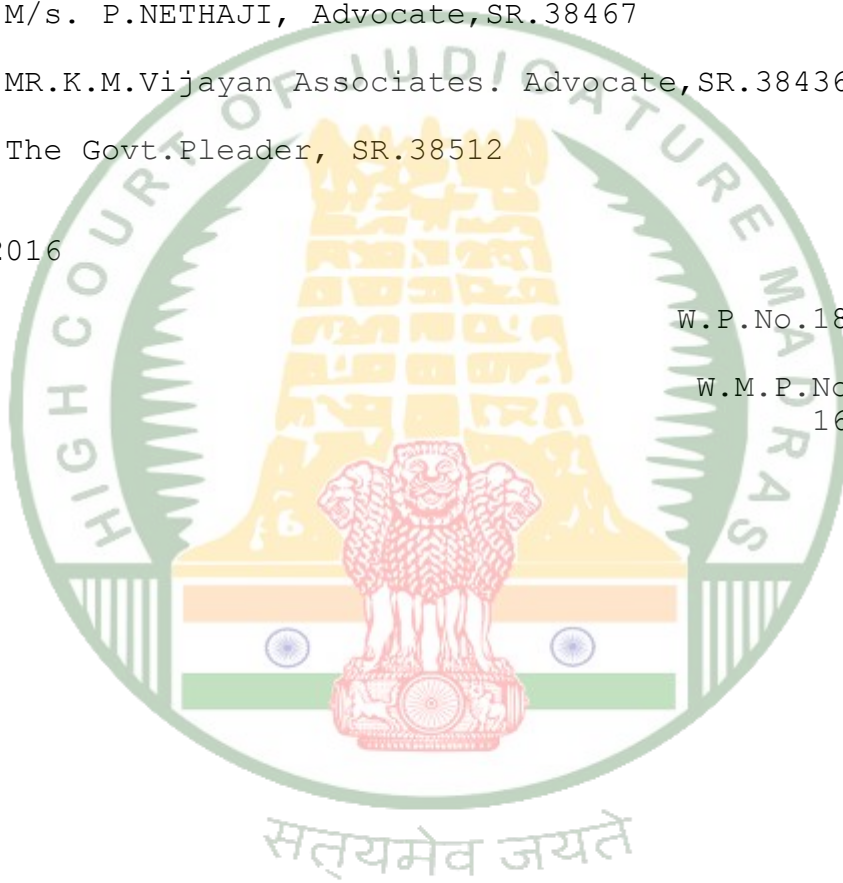
+ 1 cc to M/s. P.NETHAJI, Advocate, SR.38467

+ 1 cc to MR.K.M.Vijayan Associates. Advocate, SR.38436

+ 1 cc to The Govt.Pleader, SR.38512

TM(CO)
CP 23/07/2016

W.P.No.18517 of 2016
And
W.M.P.Nos.16201 and
16202 of 2016



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