



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.07.2016

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.6534 OF 2014

M.Kannan

..Petitioner

.vs.

1.The District Collector,
O/o The District Collectorate,
Sivagangai.

2.The Tahsildar,
Ilayankudi Taluk,
Ilayankudi,
Sivagangai District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide drought relief amount for the year 2012-2013 to the petitioner regarding his agricultural lands in Patta No.456 which is situated at Sunthanendal Village, Ilayankudi Taluk, Sivagangai District within the time stipulated by this Court and pass such further orders as this Court may deem fit and proper.

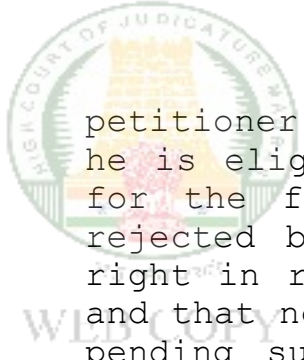
For Petitioner :Mr.T.Lajapathi Roy

For Respondents :Mr.Aayiram K.Selvakumar
Govt.Advocate.

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the respondents to provide drought relief amount for the year 2012-2013 to the petitioner regarding his agricultural lands in Patta No.456 which is situated at Sunthanendal Village, Ilayankudi Taluk, Sivagangai District.

2. The case of the petitioner is that one Sethupathi, younger brother of the father of the petitioner and who is the paternal uncle of the petitioner, has adopted the petitioner. According to the said Sethupathi executed a Will in favour of the petitioner on 04.03.2011 and the said Will came into force on the death of the said Sethupathi on 02.05.2011. Though the



petitioner is continuously enjoying the properties of Sethupathi, he is eligible to receive the amount towards drought relief fund for the failure of monsoon. However, the said application was rejected by the respondents on the ground that the petitioner's right in respect of the property is being disputed by his sister and that no relief can be granted to the petitioner in view of the pending suit in O.S.No.28 of 2011 on the file of the District Munsiff Court, Ilayankudi, questioning the Will alleged to have been executed by the original owner of the property, viz., Sethupathi.

3. The learned Government Advocate filed a counter affidavit inter alia stating that it is not possible to disburse the relief amount in view of the pendency of the civil suit. However, it is represented now before this Court that the suit filed by the petitioner's sister in O.S.No.28 of 2011 was dismissed. Since the suit filed by the petitioner's sister was dismissed, the learned Government Advocate submitted that he has no objection for the respondents to consider the petitioner's application to provide him the drought relief amount for the year 2012-2013.

4. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. It should be borne in mind that the entitlement of a farmer to seek the drought relief fund can be considered only in terms of Scheme or policy of the Government as to the manner, in which, the beneficiaries should be identified and disbursed. In the present case, the petitioner's lawful enjoyment and cultivation in the properties are not in dispute.

6. In such circumstances, the eligibility of a farmer/agriculturist to seek the drought relief fund as per the announcement of Government does not depend upon the outcome of the suit i.e., with regard to the title and enjoyment of the property. The relevant facts that are required to be ascertained by the respondents, are the eligibility criteria for the farmer to seek the drought relief fund in terms of the Government Order.

6. Be that as it may, the petitioner's representation dated 26.08.2013, requires attention and consideration only in the light of the relief announcement made by the Government on account of the failure of monsoon or other reason. Hence, this Court finds that it would be appropriate to direct the respondents to provide the drought relief fund to the petitioner regarding the agricultural land in Patta No.456 situated at Sunthanendal Village, Ilayangudi Taluk, Sivagangai District, in accordance with the scheme of Government and upon considering the eligibility of the petitioner to avail the benefit the Government Order as per the scheme.



7. With the above direction, the writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
O/o The District Collectorate,
Sivagangai.

2.The Tahsildar,
Ilayankudi Taluk,
Ilayankudi,
Sivagangai District.

+1cc to MR.T.Lajapathi Roy, Advocate SR.No.40361

+1cc to sepcial Government Pleader SR.No.40072

gsr

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