

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNA KUMAR

W.P.No.9387 of 2015

and

M.P.No.1 of 2015

S. Anthony Joseph

...Petitioner

vs.

1. The State of Tamil Nadu,
Represented by
District Collector,
Cuddalore District,
Cuddalore - 607 001.

2. Tamil Nadu Forest Plantation Corporation Ltd.,
Represented by its Managing Director,
Karur Road, Mallachipuram,
Kambarasampettai,
Tiruchirapalli - 620 101.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records and order of the 2nd respondent in Na.Ka.No.176/ 2012/Kul dated 05.10.2012 and quashing the same as illegal and directing the 1st respondent to grant compensation to the petitioner for loss of cashew nut crops damaged by Thane Storm and pass further orders.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.R.Govindasamy,

Additional Government Pleader for R1

Mr.M.Santhana Raman,

Additional Government Pleader for R2

O R D E R

The present writ petition has been filed seeking to quash the order of the 2nd respondent in Na.Ka.No.176/2012/Kul

dated 05.10.2012 and direct the 1st respondent to grant compensation to him for loss of cashew nut crops damaged by Thane Storm.

2. According to the petitioner, he is cultivating cashew nut crops in the leased out land of the 2nd respondent, TAFCON for the past 10 years. During the "Thane Storm", the entire Cuddalore district was affected on 29.12.2011 and 30.12.2011 and many of the cashew nut trees, leased out to the petitioner were completely damaged. Some trees were broken and in some, leaves were taken away. Considering the damage caused in and around Virudhachalam, the Government of Tamilnadu sanctioned some compensation for re-facilitation of the farmers, to those affected by the cyclone. The petitioner made representation to the District Collector, the 1st respondent herein and the Regional Manager of the Forest Department, the 2nd respondent herein. The 2nd respondent by his letter dated 02.02.2012, recommended to extend the compensation for loss of crops, to the petitioner. But, by impugned proceedings dated 05.10.2012 in N.Ka.No.176/2012/Kul, the 1st respondent, rejected the representation of the petitioner. Therefore, the petitioner has filed the present writ petition before this Court, seeking the aforesaid prayer.

3. The second respondent, Managing Director of TAFCON has filed the counter affidavit, also on behalf of the 1st respondent, stating that the contention of the petitioner is not correct and denied the said facts. According to the 2nd respondent, the Government of Tamil Nadu announced certain compensation for the re-facilitation of the farmers only to those who were affected by the Thane Cyclone. So far as the present case is concerned, the petitioner is a contractor, doing his business and not a farmer. Further, the petitioner was the successful bidder during the year 2013 and collected totally about 2975 kgs of cashew nuts. Therefore, his submission that he has sustained loss in the said season is incorrect and same is denied by the 2nd respondent. When compared with, the yield for the year 2012 and 2013, is more or less equal. Further, as per the sale notice condition No.A5 also, it is clear that the petitioner is not entitled for any compensation as claimed in the writ petition.

4. Heard the submissions made by learned counsel for the petitioner and the learned counsel for the second respondent and perused the material available on records.

5. Considering the submissions made by the counsel for the parties, it is seen that the petitioner is only a lessee under the 2nd respondent, TAFCON. The communication dated 03.02.2012, issued by the 2nd respondent to the 1st respondent, is

relied upon by the petitioner, for considering the relief of the petitioner. It has been specifically stated in the counter affidavit that no contractor registered with them, is allowed to carry out cultivation. Therefore, the contention of the petitioner that he is cultivating crops in the aforesaid land, cannot be accepted. During the course of argument, the learned Additional Government Pleader also submitted that amount has been sanctioned by Government, for granting compensation to the farmers for re-facilitation only to those who were affected by the Thane Cyclone in the year 2012. The present writ petition has been filed before this Court only in the year 2015, after a lapse of more than three years. Therefore, the writ petition is liable to be dismissed on facts and law.

6. Considering the above facts, this Court is of the view that, no case has been made out by the petitioner. Therefore, the writ petition is dismissed. No order as to costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rsi/avr

1. The District Collector,
Cuddalore District,
Cuddalore - 607 001.
2. The Managing Director,
Tamil Nadu Forest Plantation Corporation Ltd.,
Karur Road, Mallachipuram,
Kambarasampettai,
Tiruchirapalli - 620 101.

+lcc to Mr.J.Antony Jesus, Advocate Sr. 42047

+lcc to the Government Pleader Sr. 42071

+lcc to the Special Government Pleader (Forest) Sr. 41813

W.P.No.9387 of 2015
and

W.M.P.No.1 of 2015

EV (CO)

VR(09/08/2017)