



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.4388 of 2017

WEB COPY

Ameenul Beevi

..Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District, Ramanathapuram.
- 2.The Joint Registrar for Co-operative Societies,
Ramanathapuram Region, Ramanathapuram District.
- 3.The Sub-Registrar for Co-operative Societies,
Paramakudi, Ramanathapuram District.
- 4.The Secretary Q915,
Mudhukulathur Primary Agricultural Co-operative Society,
Mudhukulathur, Ramanathapuram District.

5.Nazeer Khan

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 4 to consider the petitioner's representation, dated 27.02.2017 against the disbursement of drought relief fund by the Co-operative Society, Mudhukulathur, to the fifth respondent.

For Petitioner	:	Mr.M.Vivekanandan
For Respondents	:	Mr.N.S.Karthikeyan, Additional Government Pleader

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation, dated 27.02.2017, against the disbursement of Drought Relief Fund by the Co-operative Society, Mudhukulathur, to the fifth respondent.

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

3. Mr.N.S.Karthikeyan, learned Additional Government Pleader, takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

4. This Writ petition is for considering the representation of the petitioner, dated 27.02.2017. The representation of the



petitioner indicates that he has some objections for disbursement of Drought Relief Fund to the beneficiaries on the ground that a civil suit is pending before the Subordinate Court, in respect of certain lands in dispute. It is evident that the suit in O.S.No.342 of 1984 was filed by the petitioner and the same was dismissed by the Judgment and Decree, dated 27.04.2006. The said suit is for partition. As against the dismissal of the said suit, an appeal has been filed with the delay of nearly ten years.

5. Eligible farmers are entitled to drought relief. This cannot be allowed to be litigious by merely showing the pendency of an appeal which is filed nearly after ten years. If the petitioner succeeds in the appeal and entitled to in law to get a share in the amount as a co-owner or a person entitled to a share in the property, it is open to the petitioner to seek appropriate direction in the pending appeal. In such circumstances, the petitioner cannot prevent the respondents from considering the entitlement of the cultivators to get Drought Relief which is paid by way of compensation, for the failure of crop. Hence, this Court is not inclined to entertain this Writ petition. Accordingly, the Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector, Ramanathapuram District,
Ramanathapuram.
- 2.The Joint Registrar for Co-operative Societies,
Ramanathapuram Region, Ramanathapuram District.
- 3.Sub-Registrar for Co-operative Societies,
Paramakudi, Ramanathapuram District.
- 4.The Secretary Q915,
Mudhukulathur Primary Agricultural Co-operative Society,
Mudhukulathur, Ramanathapuram District.

+1CC to the Special Government Pleader SR.No. 15568

ORDER MADE IN
W.P. (MD) .No.4388 of 2017
16.03.2017

pmu