

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.15059 of 2012

B.Maramma

... Petitioner

Vs

1.The District Collector,
Krishnagiri.

2.The Joint Director of Horticulture,
Agriculture Department,
Krishnagiri.

3.The Assistant Director of Horticulture,
Thally, Krishnagiri District.

4.The Assistant Director of Agriculture,
Thally, Krishnagiri District.

5.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to pay Rs.1,00,000/- as compensation to the petitioner towards damage sustained in the floods.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.J.Pothiraj,
Special Government Pleader

O R D E R

Heard Mr.K.Thiruvengadam, learned counsel for the petitioner and Mr.J.Pothiraj, learned Special Government Pleader appearing for the respondents.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Mandamus, to direct the respondents to pay Rs.1,00,000/- as compensation to the petitioner towards damage sustained in the floods. "

3. The case of the petitioner is as follows:-

The petitioner is a small farmer owning about 2.75 acres of land. The entire family has been eking out their livelihood from the income derived from the agricultural land in the Village. On 09.12.2010 and 10.12.2010, due to heavy rain, the entire land was flooded and submerged in the rain water. In view of the same, the entire standing crops such as Groundnut, Ragi, Coconut Trees and Mango Trees were washed away by the flood water. The petitioner infact had borrowed a loan from the nationalized Bank for raising the crops and due to the heavy damage to the crops, the petitioner had suffered extensive loss and was unable to repay the loan including interest.

4. Since the family was completely dependent on the income derived from the land, the petitioner had to bear the loss caused by the damage to the crops. According to him, the damage caused to the crops can be quantified to the tune of Rs.1,00,000/-. According to him, several farmers who were affected by the huge deluge, in view of the incessant rain, approached the Government and they were considerably compensated. But, unfortunately, the petitioner was not given any compensation. In this connection, he had also submitted a representation on 10.12.2010, but, no action was taken on the representation.

5. However, on the basis of the representation, the third respondent inspected the petitioner's land and assessed the damage to the value of Rs.75,000/-. However, inspite of the same, no compensation was paid to the petitioner. Infact, subsequently, the second and fourth respondents also inspected the petitioner's land on 10.12.2011 and forwarded the report of assessment of damage to the other authority concerned for consideration of the claim of the petitioner.

6. On 10.03.2011, the Joint Director of Horticulture Department, the second respondent herein, has forwarded his report in regard to the damages suffered by the petitioner. But, in spite of the action taken, the compensation amount payable to the petitioner has not been settled. Therefore, the petitioner is before this Court seeking to issue a Writ of Mandamus for payment of compensation of Rs.1,00,000/-.

7. Upon notice, learned Special Government Pleader appearing for the respondents entered appearance and filed a detailed counter affidavit.

8. When the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents would submit that the direction shall be issued to the first respondent to pass final orders on the basis of the inspection carried out by the authorities concerned and also on the basis of the representation made by the petitioner on 10.12.2010, to provide suitable compensation as claimed in the writ petition.

9. Since the direction sought by the petitioner is only limited in nature and without going into the merits of the claim, this Court directs the first respondent to take a final decision in the subject matter and convey the decision to the petitioner in regard to the claim for compensation of Rs.1,00,000/- within a period of eight weeks from the date of receipt of a copy of this order.

10. It is also made clear that the first respondent shall consider the claim of the petitioner and pass orders in regard to the report submitted on his behalf, as the benefit of such compensation given to the other farmers shall be extended to this petitioner also. In any event, the final decision taken by the first respondent shall be communicated to the petitioner not beyond eight weeks from the date of receipt of a copy of this order.

11. With these directions, the writ petition stands disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Krishnagiri.
- 2.The Joint Director of Horticulture,
Agriculture Department,
Krishnagiri.
- 3.The Assistant Director of Horticulture,
Thally, Krishnagiri District.

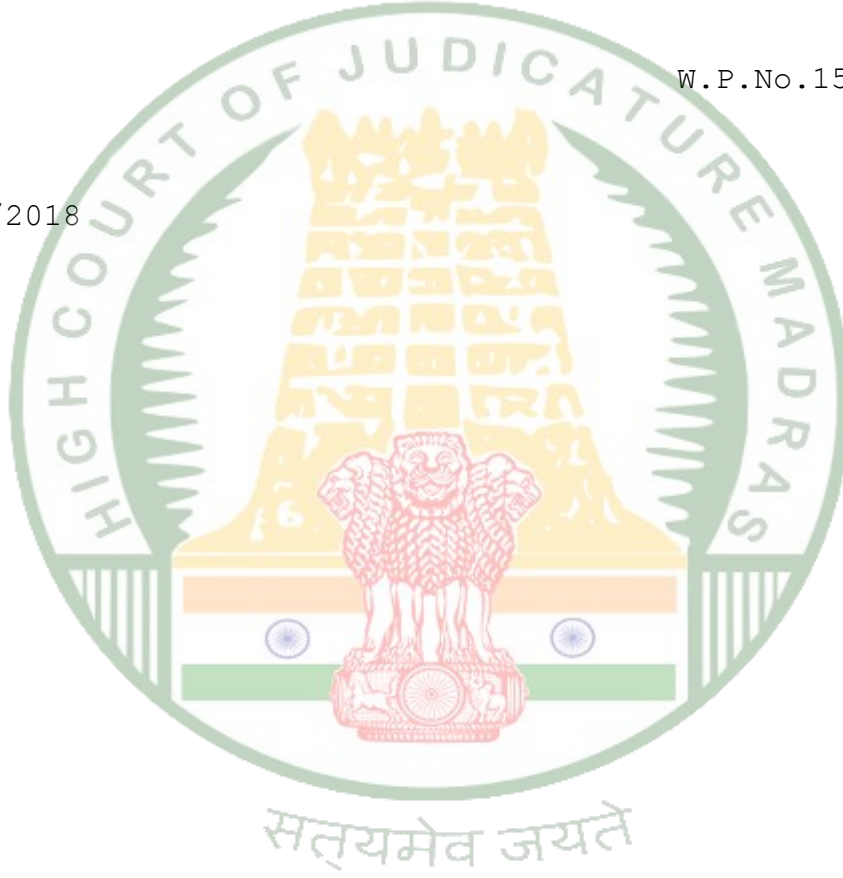
4.The Assistant Director of Agriculture,
Thally, Krishnagiri District.

5.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

+lcc to Mr.K.Thiruvengadam, Advocate Sr.36499
+lcc to the Government Pleader Sr.37014

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srg 06/07/2018



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