

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 28.08.2018
Pronounced on : 17.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17000 of 2008
and M.P.Nos.1 and 2 of 2008

G.Jayakumar

.. Petitioner

.Vs.

- 1.The District Collector,
Thiruvarur District, Thiruvarur.
- 2.The District Revenue Officer,
Mannargudi Taluk, Thiruvarur,
Thiruvarur District.
- 3.The Revenue Divisional Officer,
Mannargudi Taluk, Thiruvarur District.
- 4.The Tahsildar,
Mannargudi Taluk, Thiruvarur District.
- 5.The Revenue Inspector,
Ullikkottai, Mannargudi Taluk,
Thiruvarur District.
- 6.The Village Administrative Officer,
Ullikkottai -I, Mannargudi Taluk,
Thiruvarur District, Thiruvarur.
- 7.The Village Administrative Officer,
Ullikkottai-II, Mannargudi Taluk,
Thiruvarur District.
- 8.The Secretary,
Agricultural Co-operation Society,
Kandithanpettai, Mannarguid,
Thiruvarur District.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Declaration declaring the amount disbursed to the beneficiaries viz., Small and Marginal Farmers, for the damages caused by the Flood in Marchy 2008, at Ullikottai Village-I and Ullikottai-I and II in Format-I A, as prepared by the respondents 6 and 7, as null and void and unconstitutional's as far as the ineligible persons are concerned and to direct the 6th and 7th respondents to remit the relief amount which was allotted to the petitioner as per the list of Ullikottai-II.

For petitioner : Mr.J.Kannan

For R1 and R7 : Mr.N.Inbanathan
Additional Government Pleader.

For R8 : Ms.T.Girija

JUDGMENT

The above writ petition has been filed to declare the amount disbursed to the beneficiaries namely, small and marginal farmers for the damages caused during the floods in March 2008 at Ullikottai village I and II to the crops especially the beneficiaries and list of the said village in format 1A as prepared by sixth and seventh respondents as null and void and unconstitutional's as far as the ineligible persons are concerned and to direct sixth and seventh respondents to remit the relief amount to the petitioner.

2. It is the case of the petitioner that due to torrential rain during the month of March 2008 in Tamilnadu, the Petitioner's village was inundated with floods and the ground crops were completely destroyed and therefore the farmers suffered and got into a debt trap.

3. Under these circumstances, the government of Tamil Nadu acting through the Revenue Department was directed to assess the extent of loss suffered by the respective farmers and to grant suitable monetary a relief to them.

4. The sixth and seventh respondents were entrusted with the task to prepare the list of beneficiaries for disbursement of the amounts to the aggrieved farmers/landowners. The list prepared by the sixth and seventh respondents to be approved by the first to fourth respondents.

5. Since the petitioner did not get the compensation, he sent representation wherein he has alleged that the list prepared by the 6th and 7th respondent contained several fictitious name to the extent of 32 persons.

6. However, no action was taken by the respondent's and under these circumstances the petitioner has filed the present writ petition.

7. In Para-7 of the affidavit, the petitioner has named 32 persons who allegedly did not suffer any loss on account of the flood. They were sought to be impleaded vide MP No. 3 of 2008.

8. Serious allegations have been levelled against the sixth and seventh respondents for swindling an amount to the tune of Rs.1,69,080/- from the State Exchequer. It is alleged that the accounts were manipulated to disburse of the amounts in fictitious names.

9. The 8th respondent alone has filed counter and has defended the action of the sixth and seventh respondents.

10. In paragraph-5, the 8th respondent has stated that the Tahsildar sanctioned flood relief to the farmers belonging to the villages.

11. According to the eighth respondent, at the time of disbursement of the amount, list contained names of farmers who were not entitled to receive the relief amount due to certain wrong selection of beneficiaries in the list prepared by the revenue officials.

12. The 8th respondent has further submitted that the government examined the list of beneficiaries as to whether they had actually cultivated crops and found that 19 farmers who were identified to receive the benefits were not affected by the flood. Under these circumstances the disbursement of the amount was withheld.

13. The 8th respondent was instructed to remit back the subsidy amount of Rs.75,480/- to the government treasury in respect of 19 beneficiaries.

14. Further an amount of Rs.1,720/- sanctioned to a person who was not a member of the society could not be recovered.

15. In para graph 7, the 8th respondent has further submitted that the 4th Respondent, Tahsildar had informed the 8th respondent to withhold flood relief amount of Rs.3,840/- payable to the petitioner and therefore payments were not made to the petitioner.

16. It is further submitted that the amount was remitted back to the government through the sub-treasury Mannaargudi. Under these circumstances, the 8th respondent has defended his action.

17. From the facts of the case it is noted that certain regularities were committed by the 6th and 7th respondents and uncomfortable questions were being raised by the petitioner who felt aggrieved as amounts were being siphoned out in fictitious names and relief operated through by the Government of Tamil Nadu 6th to 8th respondents were being frustrated and he was being singled out for pointing out the irregularities.

18. No explanation has been given to the allegations made by the petitioner as to why the flood relief was denied to the petition except as stated by the 8th respondent.

19. The Government machinery operate through its staff, employees and officers and therefore, howsoever demanding and irresponsible behaviour a citizen may exhibit, they can take action against each citizen only as per law.

20. The officers have to act only in accordance with law leaving aside their personal prejudice and proclivities. They cannot victimize a citizen who approaches them in the face of adversity as in the present case. It is no duty of officer to victimize a citizen merely because behaviour was untruly as same level of standard stereotype behaviour cannot be expected from all of them.

21. The action of the fourth respondent asking the 8th respondent to not to give flood relief to the petitioner even though his name was in the list and he was entitled to the flood relief appears to be motivated and vindictive.

22. In view of the above observation, this Court is inclined to pass the following orders:-

i) Respondent Nos.1 to 3 are directed to examine whether any irregularities were committed by the Respondent Nos.5 and 6 while disbursing the flood relief amount through the 8th respondent in Ullikottai Village I and II .

ii) If any irregularities are noticed, respondent No.1 to 3 are directed to take suitable action against erring officers and recover the amount from them as per the applicable rules.

iii) The respondents are directed to pay the flood relief amount assessed as loss to the petitioner together with interest at the rate of 9% p.a. from the date of denial within a period of four weeks from the date of receipt of copy of this order.

23. In M.P.No.3 of 2008 notice was ordered on the respondents 9 to 40. No adverse orders have been passed against any of the proposed respondents in M.P.No.3. Therefore, the said M.P.is closed.

24. In view of the above directions, the writ petition is disposed. Consequently, connected miscellaneous petitions are closed. No cost.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kkd

To

- 1.The District Collector,
Thiruvarur District, Thiruvarur.
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Thiruvarur District.
- 8.The Secretary,
Agricultural Co-operation Society,
Kandithanpettai, Mannarguid,
Thiruvarur District.

+1cc to Mr.J.Kannan, Advocate Sr.64116
+1cc to Mr.D.Veerasekaran, Advocate Sr.64273
+1cc to the Government Pleader Sr.64592
+1cc to M/S.T.Girija, Advocate Sr.64389

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srg 8/12/2018