



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.8581 of 2018

P.Parthiban

... Petitioner

vs.

1.The Special Commissioner/Revenue Administrative Officer,
Natural Calamity Management cum Audit Department,
Chennai.

2.The District Collector,
Collectorate, Madurai.

3.The Administrative Officer,
The District Agriculture Engineering Department,
Madurai District, Madurai.

4.The Thasildhar,
Usilampatti Taluk,
Usilampatti, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order of the 2nd respondent in his proceedings in ROC.No.19940/D6/2016, dated 26.12.2017 and quash the same and consequential direction to the respondents to sanction a sum of Rs.89,000/- along with interest from the date of calamity held in the year 2010 from the Natural Calamity Relief Fund.

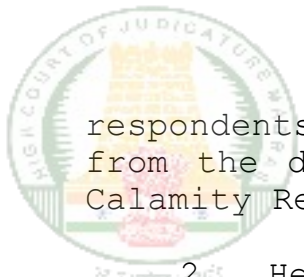
For Petitioner : Mr.K.K.Samy

For Respondents : Mr.V.Anand

Government Advocate

ORDER

The petitioner has come with this writ petition seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned rejection order of the 2nd respondent in his proceedings in ROC.No.19940/D6/2016, dated 26.12.2017 and quash the same and consequential direction to the



respondents to sanction a sum of Rs.89,000/- along with interest from the date of calamity held in the year 2010 from the Natural Calamity Relief Fund.

2. Heard Mr.K.K.Samy, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

3. It is the case of the petitioner that his agricultural Well, electric motor pump sets got damaged in a heavy rain in 2010. According to the petitioner, about 58 of the agricultural Wells in the area was also damaged. In this connection, an inspection was conducted and a sum of Rs.89,000/- was determined as compensation to the petitioner. Since the compensation amount was not disbursed, the petitioner had filed a writ petition in W.P(MD)No.13528 of 2017. This Court, by an order dated 31.07.2017, had directed the respondents to consider the petitioner's representation. Pursuant to the above said order, the present impugned order came to be passed rejecting the petitioner's request by the second respondent herein on the ground that there is no provision in G.O.Ms.No.630, Revenue (NC.III(2) Department, dated 29.10.2007 for sanction of relief assistance to damaged agricultural well and pump sets. Challenging the same, the present writ petition has been filed.

4. It is seen that the said G.O.Ms.No.630, Revenue (NC.III(2) Department, dated 29.10.2007 is a special Government Order for grant of financial assistance to victims of Natural Calamities. When the Government of India had revised the norms to be adopted for granting of financial assistance to the victims of Natural Calamities, the instances of 'Land slides, Avalanches, Cloud burst and Pest Attacks' were also included in the definition of Natural Calamities.

5. It is a specific case of the petitioner that during the heavy rain in 2010, the petitioner's Well sank into the earth, since there was a land slide, which pulled the entire structure from underneath. In other words, the case of the petitioner is one of the land slide. When G.O.Ms.630 is specifically includes lands slides to be one of the Natural Calamities, the petitioner would definitely be entitled for the financial relief guaranteed under the said Government Order.

6. In the light of the above observations, the impugned order dated 26.10.2017 is set aside and the matter is remitted back to the second respondent for fresh consideration. While considering the petitioner's request for financial assistance under G.O.Ms.No.630, Revenue (NC.III(2) Department, dated 29.10.2007, the second respondent shall consider the petitioner's case to be one of a Natural Calamity of "land slide" and accordingly disburse the financial assistance. Such an exercise shall be done within a period of six weeks from the date of receipt of a copy of this order.



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

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Sd/-
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar (CS-II)

To:

1. The Special Commissioner/Revenue Administrative Officer,
Natural Calamity Management cum Audit Department,
Chennai.
2. The District Collector,
Collectorate, Madurai.
3. The Administrative Officer,
The District Agriculture Engineering Department,
Madurai District, Madurai.
4. The Thasildhar,
Usilampatti Taluk,
Usilampatti, Madurai District.

+1cc to Mr.K.K.Samy, Advocate, SR.No.73287.

W.P. (MD) No.8581 of 2018
16.07.2018

SJI

RAM/SKN/SAR 2/26.07.2018/3P/6C