

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.4561 of 2009

A.B.Jayaraman

...Petitioner

Vs

1. The District Collector,
Krishnagiri.
2. The Deputy Director,
Agriculture Department,
Krishnagiri.
3. The Assistant Director of Agriculture,
Denkanikottai,
Krishnagiri District.
4. Tahsildar,
Denkanikottai,
Krishnagiri District.

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for records in connection with order dated 31.12.2008 in mu.mu.27396/2008(ji) of 1st respondent herein and quash the same and consequently direct the 1st respondent to pay Rs.2,00,000/- as compensation to the petitioner.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.I.Sathish, AGP

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to quash the order of the first respondent dated 31.12.2008 and for a direction to pay a compensation of Rs.2,00,000/- to the petitioner.

2. It is the case of the petitioner that he is a small farmer in Arulalam Village in Denkanikottai Taluk, Krishnagiri District and he owns 2.75 acres. The petitioner would allege that in the year 2008 there was a heavy rain in his Village and due to flood, his entire crops have been damaged and he suffered a huge loss of Rs.1,25,000/-. The petitioner would state that he requested the Tahsildar and other officials for assistance. Since it was not considered, he filed a Writ Petition in W.P.No.25000 of 2008 seeking a direction to consider his representation dated 25.07.2008. Despite the order in that Writ Petition, the claim of the petitioner was considered in arbitrarily and illegal manner.

3. The learned counsel for the petitioner would state that the claim of the petitioner was rejected on the only ground that the petitioner did not make an application within the time as per the circular of the Special Commissioner-cum-Commissioner of Revenue Administration, Chennai dated 25.11.2004. The learned counsel would state that it is an admitted fact that the Joint Director of the Agricultural Department, Krishnagiri along with other officials inspected the field of the petitioner and assessed the damage at Rs.35,000/-. But that amount was also not paid.

4. The learned Additional Government Pleader by referring the the circular dated 25.11.2004 would argue that the petitioner has not filed an application to enable the officials to inspect the field to assess the damages. But admittedly, the petitioner sought assistance from the officials after a lapse of two years, hence, no interference in the order impugned in this Writ Petition is required.

5. In the case on hand, it is not in dispute that the petitioner is a small farmer and he owns a land to an extent of 2.75 acres. It is equally not disputed that in the year 2008, there was a heavy rain and due to the floods, the crops of the petitioner was damaged and the officials inspected his land and estimated the loss at Rs.35,500/-. The assessment made by the Assistant Director of Agriculture, Denkanikottai has been enclosed in the typed set of papers.

6. A perusal of the order impugned in this Writ Petition would show that the claim of the petitioner was rejected on the sole ground that he did not submit his application in time as per the circular dated 25.11.2004. When the facts of the case were not disputed and the damage was also assessed by the Assistant Director of Agriculture, Denkanikottai / third respondent, the claim of the petitioner cannot be rejected on the ground of delay.

7. In the light of the above facts, the order impugned in this Writ Petition is set aside and the respondents are directed to pay a sum of Rs.35,500/-, along with interest at the rate of 12% from the 12.01.2007 till the date of payment, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above observation and direction, the Writ Petition is allowed. No costs.

pvs

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Krishnagiri.
2. The Deputy Director,
Agriculture Department,
Krishnagiri.
3. The Assistant Director of Agriculture,
Denkanikottai,
Krishnagiri District.
4. Tahsildar,
Denkanikottai,
Krishnagiri District. सत्यमेव जयते

+1cc to the Govt.Pleader, vide SR.No.69359/19

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Kak(09/10/2019)