

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.13407 of 2019

N.K.Selvaraj

.. Petitioner

Vs.

1. State of Tamilnadu,
Rep. by its Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai - 600 009.

2. The Director of Agriculture,
Chepauk,
Chennai - 600 005.

3. The District Collector,
Salem District,
Salem.

4. The Joint Director of Agriculture,
Salem District,
Salem.

5. The Revenue Divisional Officer,
Collectorate,
Salem & District.

6. The Deputy Director of Statistics,
Collectorate,
Salem & District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
issuance of a Writ of Mandamus, directing the respondents to disburse

monetary relief to the farmers in Salem District who were affected by loss of crop due to Fall Armyworm in July 2018 as per the 3rd respondents letter dated 21.01.2019, based on the representation dated 22.03.2019 and 02.04.2019 made by the petitioner expeditiously and within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.E.Manoharan
Additional Government Pleader

ORDER

(Order of this Court was made by S.Manikumar, J.)

Petitioner has sought for a writ of mandamus, directing the respondents to disburse monetary relief to the farmers in Salem District who were affected by loss of crop due to Fall Armyworm in July 2018 as per the 3rd respondents letter dated 21.01.2019, based on the representations dated 22.03.2019 and 02.04.2019.

2. Supporting the prayer, petitioner has contended inter alia as hereunder:

(i) Petitioner is a Farmer and also the District Secretary of Tamilnadu Agricultural Sangam, having been elected as such in the year 2015. Petitioner Sangam is affiliated to All India Kisan Sangam, a National level Farmers' Organization of the Communist Party of India. Petitioner Sangam has been voicing the concern of the farmers all over India, to secure their rights and protect their interest.

(ii) It is well known that the maize/corn is cultivated in few districts in Tamilnadu. Salem District is also one among them. During the Tamil month of Aadi (July) 2018, thousands of farmers in Salem District started cultivating maize/corn. However, unfortunately, the said crop was affected by Fall Armyworm, which completely destroyed the crop in entirety to an extent of 10,000 hectares of lands in Attur, Thalaivasal, Gengavalli, Veeranur, Pethanaickenpalayam Taluks of Salem District, leaving thousands of farmers in total distress. Though petitioner had a piece of land, he did not cultivate maize/corn during the said period.

(iii) State Administration took note of the same and proposed to provide monetary relief to the affected farmers. In that regard, the District Collector, Salem, the 3rd respondent by a letter dated 21.01.2019 has addressed to the Joint Director of Agriculture, Salem, the Revenue Divisional Officer, Salem and the Deputy Director of Statistics, Salem, respondents 4 to 6 respectively, directing them to collect the details of the crop damage in Salem District and submit a report immediately.

(iv) Accordingly, the affected farmers were provided a proforma to be filled up by them furnishing the particulars required therein and submit the same to the Village Administrative concerned. The details required include the Patta No, Survey No, total extent, the name of the crop, extent

of cultivation, extent damaged, Bank Account details, mobile no. and Aadhar No. The proforma also required the copies of Chitta, Bank Passbook and Aadhar Card to be enclosed with it.

(v) Within a few days, the affected farmers submitted the particulars and documents required along with the above said proforma to the Village Administrative Officers, with a hope to get the relief, at the earliest. Though the farmers expected that the State/District Administration would process their request within a reasonable time, nothing was heard from them. As such, when the petitioner Sangam held a State wide protest on 03.2018 in front of Salem Collectorate to air the demands of the farmers, the issue of early provision of relief to the farmers affected by the loss of crop due to Fall Armyworm, was also included as the main demand.

(vi) According to the petitioner, as nothing was moving, in order to obtain official information with regard to the stage of processing of the Applications for relief pursuant to the District Collector, Salem, the 3rd respondent's letter dated 21.01.2019, Mr. S. Murugan, Vice President of petitioner Sangam's Salem District Unit (who had also applied for the relief), made an application dated 20.03.2019 under the Right to information Act, 2005 to the Public Information Officer, office of the District Collector, Salem, and required information and documents

pertaining to the same. However, till date, no reply has been received to the same.

(vii) Petitioner along with the above said Vice President of Sangam Salem District Unit made a representation dated 22.03.2019 to the respondents furnishing the details of the loss of crop, suffered by the farmers by cultivating maize/corn in Aadi last year. Petitioner also pointed out that, for seeding an acre, a farmer had spent about Rs.7,000/- to manure and maintain the same the farmer had spent Rs.4,000/-. As the crop had been affected by 90% due to Fall Armyworm, a farmer has lost atleast Rs. 11,000/- per acre. In Salem District alone, around 10,000 hectares of lands suffered crop failure. As such, petitioner has prayed for early disbursal of relief, as the farmers had submitted necessary applications about two months ago. According to the petitioner, though the respondents have received the representations, nothing was heard from them.

(viii) In view of the sufferings by the affected farmers over the inaction of the respondents, in expediting grant of relief, petitioner also made another representation dated 02.04.2019 to the same effect, and prayed for early disbursement of the relief, as the matter was getting delayed without any justification.

(ix) Even in the Monthly Farmers' Grievances Meetings held by the District Collector, the 3rd respondent, petitioner drew the attention of the 3rd respondent to the urgent need for providing the monetary relief that they have been representing repeatedly. However, the same evoked only a perfunctory response that the grievance would be looked into. Left with no immediate, efficacious alternative remedy, petitioner has filed the instant writ petition."

3. We have given our due consideration to the grievance of the affected farmers. Going through the material on record, we are of the view that their grievance is genuine, and thus notice has been ordered.

4. Deputy Director of Agriculture, Chepauk, Chennai, the 2nd respondent has filed a counter affidavit. Relevant paragraph is extracted hereunder

"12... The State Government has taken various steps to control Fall Army Worm and also cautious not only in monitoring, assessing and reviewing Maize Crop damage due to Fall Army Worm in all the districts, but also in taking action for extending input subsidy relief assistance to all the affected farmers who suffered crop loss 33% and above as per State Disaster Relief Fund norms. Due to the effective action taken by the State Government, from the occurrence of Maize Crop damage, due to Fall Army Worm in the State, were assessed by conducting Joint enumeration with the officials of Agriculture, Revenue and Statistical Department in all

the Fall Army Worm affected revenue villages of 17 districts including Salem in the State and submitted a consolidated proposal of 17 Districts including Salem for seeking relief to the Maize Cultivated 3,07,495 Farmers in an extend of 2,64,216 Ha., affected due to Fall Army Worm to an amount of Rs.219.53 Crore to State Relief Commissioner / Commissioner of Revenue Administration. Presently, the Proposal is under active consideration of the *State Relief Commissioner / Commissioner of Revenue Administration* and studying all possibilities and circumstances to alleviate farmers Distress. Hence, the allegations made by the petitioner are not only false, malicious but also misleading this Hon'ble Court. Hence this writ petition filed by the writ petitioner is baseless and unsustainable in law. As such it is humbly prayed that the writ petition may liable to be dismissed with exemplary costs."

5. On 03.07.2019, when the matter came up for hearing, we passed the following order.

"The petitioner has sought for a Writ of Mandamus, to direct the respondents to disburse monetary relief to the farmers in Salem District, who were affected by loss of crop due to Fall Army worm in July 2018 as per the 3rd respondent's letter dated 21.01.2019, based on the representations dated 22.03.2019 and 02.04.2019 made by the petitioner expeditiously.

2. The Director of Agriculture, Chepauk, Chennai, the second respondent herein has filed a counter affidavit dated 06.06.2019 stating that a consolidated proposal for granting relief to the farmers of Seventeen (17) Districts, including

Salem District has been submitted to the State Relief Commissioner / Commissioner of Revenue Administration and he has to make a study and forward the same to the Government for necessary orders.

3. Mr.E.Manoharan, learned Additional Government Pleader submitted that he would ascertain the time line for studying and forwarding the proposal.

4. Registry is directed to list the matter on 05.07.2019."

6. Reverting, Mr.E.Manoharan, learned Additional Government Pleader submitted that Government have issued G.O.(Ms).No.212, Revenue and Disaster Management Department, Disaster Management Wing, D.M.III(1) Section, dated 03.07.2019, for inclusion of the item of Pest Attack of severe nature as one of the Natural Disasters, eligible for relief under State Disaster Response Fund (SDRF) for sanction of input subsidy to the affected farmers and to adopt the procedure currently being followed for sanctioning input subsidy under State Disaster Response Fund (SDRF) norms.

7. Learned Additional Government Pleader further submitted that Government have also issued G.O.Ms.No.214, Revenue and Disaster Management Department, Disaster Management Wing, D.M.III(1) Section, dated 04.07.2019, sanctioning a sum of Rs.186,25,07,782/- under the State

Disaster Response Fund (SDRF), to the farmers affected. Details of the farmers affected in various districts, funds allocated to the said districts are morefully described in G.O. Ms.No.214 dated 04.07.2019.

8. For brevity, G.O.Ms.No.212, Revenue and Disaster Management Department, Disaster Management Wing, D.M.III(1) Section, dated 03.07.2019 and G.O.Ms.No.214, Revenue and Disaster Management Department, Disaster Management Wing, D.M.III(1) Section, dated 04.07.2019, are extracted hereunder.

ABSTRACT

Disaster Management - Inclusion of Pest Attack of severe nature as one of the Natural Disasters eligible for relief under State Disaster Response Fund (SDRF) - Orders - Issued.

REVENUE AND DISASTER MANAGEMENT DEPARTMENT DISASTER MANAGEMENT WING, D.M.III (1) SECTION

G.O. (Ms) No.212

Dated: 03.07.2019

Read:

1. Government of India, Ministry of Home Affairs (Disaster Management Division) Letter No.33-5/2015-NDM-I, dated 30.07.2015.
2. G.O. (Ms) No.380, Revenue [DM. 111(2)] Department, dated 27.10.2015.
3. G.O. (Ms) No.246, Revenue and Disaster Management [DM.3(2)] Department, datea 03 08.2017.
4. From the Additional Chief Secretary / Commissioner of Revenue Administration & State Relief Commissioner, Letter No.NC.2(2)/5357/2018, dated 02.07.2019.

ORDER:

The Government of India, Ministry of Home Affairs (Disaster Management Division) in their Office Memorandum first read above, included Pest Attack of severe nature as Natural Calamities qualify for relief assistance from National Disaster Response Fund (NDRF).

2. In the Government Order second read above, the Government issued orders revising the norms for grant of fmanc,;- assistance to the victims of natural calamities under State Disaster Response Fund (SDRF) and National Disaster Response Fund (NDRF) based on the guideline .ssuod

by the Government of India , Ministry of Home Affairs (Disaster Management Division), New Delhi, No.32-7/2014- NDM1, dated 08.04.2015. It has also been ordered therein that the revised norms of Government of India or the existing State Government norms whichever are more beneficial be adopted.

3. In the Government Order third read above, Government have issued orders for inclusion of areas specific disasters such as sea erosion, lightning, thunder, whirlwind and gale wind in the list of items which are eligible for relief under State Disaster Response Fund (SDRF).

4. In the letter fourth read above, the Additional Chief Secretary / Commissioner of Revenue Administration has stated that the District Collectors of Cuddalore, Perambalur, Virudhunagar, Namakkal, Coimbatore, Thoothukudi, Ramanathapuram, Thiruppur, Salem, Ariyalur, Tirunelveli, Theni, Thiruvannamalai and Vellore districts have reported that the occurrence of invasive pest Fall Army Worm attack in the Maize Crops cultivated in their Districts and due to its fast migrating nature and the climatic factors conducive for the spread of the pest, the respective District Collectors have sent proposals for seeking input subsidy relief assistance under State Disaster Response Fund (SDRF) for the Maize crop damage caused by Fall Army Worm during Rabi 2018-2019. The Director of Agriculture has also recommended the proposals of District Collectors for sanctioning input subsidy from State Disaster Response Fund (SDRF) to the affected farmers whose Maize Crops were damaged due to attack of Fall Army Worm.

5. The Government, after careful consideration decided to accept the proposal of the Additional Chief Secretary / Commissioner of Revenue Administration and orders for inclusion of the item of Pest Attack of severe nature as one of the Natural Disasters, eligible for relief under State Disaster Response Fund (SDRF) for sanction of input subsidy to the affected farmers and to adopt the procedure currently being followed for sanctioning input subsidy under State Disaster Response Fund (SDRF) norms.

(By order of the Governor)

ATULYA MISRA
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

ABSTRACT

Disaster Management - Input subsidy to the affected farmers whose Maize crops were damaged due to Fall Army Worm Attack in 17 Districts - Sanction a sum of Rs. 186,25,07,782/- under State Disaster Response Fund (SDRF) - Orders - Issued.

REVENUE AND DISASTER MANAGEMENT DEPARTMENT DISASTER
MANAGEMENT WING, D.M.III (1) SECTION

G.O. (Ms) No.214

Dated : 04.07.2019

Read:

1. Government of India, Ministry of Home Affairs
(Disaster Management Division) Letter NO.33-

5/2015-NDM-I, dated 30.07.2015.

2. G.O. (Ms) No.380, Revenue [DM.111(2)] Department, dated 27.10.2015.
3. G.O. (Ms) No.246, Revenue and Disaster Management [DM.3(2)] Department, dated 03.08.2017.
4. From the Additional Chief Secretary / Commissioner of Revenue Administration & State Relief Commissioner, Letter No.NC.2(2)/5357/2018, dated 02.07.2019.
5. G.O. (Ms) No.212, Revenue and Disaster Management [DM.3(1)] Department, dated 03.07.2019.

ORDER:

In the letter fourth read above, the Additional Chief Secretary / Commissioner of Revenue Administration has stated that the District Collectors of Cuddalore, Perambalur, Virudhunagar, Namakkal, Coimbatore, Thoothukudi, Ramanathapuram, Thiruppur, Salem, Ariyalur, Tirunelveli, Theni, Thiruvannamalai and Vellore districts have reported that the occurrence of invasive pest Fall Army Worm attack in the Maize Crops cultivated in their Districts and due to its fast migrating nature and the climatic factors conducive for the spread of the pest, the respective District Collectors have sent proposals seeking input subsidy relief assistance from State Disaster Response Fund (SDRF) for the Maize crop damaged by Fall Army Worm during Rabi 2018-2019. The Director of Agriculture has also recommended the proposal of the District Collectors, to sanction a sum of Rs. 186,25,07,782/- towards input subsidy for affected farmers. The Additional Chief Secretary / Commissioner of Revenue Administration has therefore recommended and requested to sanction a sum of Rs. 186,25,07,782/- from State Disaster Response Fund (SDRF) towards input subsidy to the affected farmers whose Maize Crops were damaged due to attack of Fall Army Worm during Rabi 2018-2019 based on the details given below:-

Sl. No.	Name of the District	No. of Farmers Affected	Area Affected (in Ha)			SRDF Relief Assistance Requested (Rs.)		
			Rainfed	Irrigated	Total	Rainfed	Irrigated	Total
1	Thoothukudi	40,373	43,951.08	383.15	44,334.23	32,56,77,522	51,72,511	33,08,50,033
2	Salem	47,441	15,981.00	11,510.81	27,491.81	11,84,19,210	15,53,95,935	27,38,15,145
3	Virudhunagar	30,335	19,064.27	5,983.08	25,047.35	14,12,66,248	8,07,71,563	22,20,37,811
4	Tiruchirapalli	16,182	12,101.47	-	12,101.47	8,96,71,877	-	8,96,71,877
5	Ariyalur	16,640	11,632.19	21.03	11,653.21	8,61,94,477	2,83,917	8,64,78,394
6	Perambalur	77,825	43,434.00	-	43,434.00	32,18,45,940	-	32,18,45,940
7	Madurai	11,312	9,591.54	11.60	9,603.14	7,10,73,311	1,56,600	7,12,29,911
8	Cuddalore	15,636	14,752.50	-	14,752.50	10,93,16,025	-	10,93,16,025
9	Thiruppur	13,763	-	13,360.25	13,360.25	-	18,03,63,375	18,03,63,375
10	Ramanathapuram	853	962.34	25.64	987.98	71,30,962	3,46,073	74,77,035
11	Coimbatore	2,557	1,291.10	886.61	2,177.71	95,66,311	1,19,69,235	2,15,35,546
12	Tirunelveli	11,006	6,613.47	1,226.57	7,840.04	4,90,05,828	1,65,58,695	6,55,64,523
13	Dindigul	8,746	4,664.27	3,039.59	7,703.86	3,45,62,204	4,10,34,398	7,55,96,602
14	Thiruvanna Malai	415	-	279.28	279.28	-	37,70,280	37,70,280
15	Vellore	205	-	118.77	118.77	-	16,03,395	16,03,395

16	Namakkal	116	-	71.40	71.40	-	9,63,900	9,63,900
17	Theni	19	-	28.74	28.74	-	3,87,990	3,87,990
	Total	2,93,424	1,84,039	36,947	2,20,986	136,37,29,915	49,87,77,867	186,25,07,782

2. In the Government Order fifth read above, Government have issued orders for inclusion of the item of Pest Attack of severe nature as one of the Natural Disasters eligible for relief under State Disaster Response Fund (SDRF) for sanction of input subsidy to the affected farmers and to adopt the procedure currently being followed for sanctioning input subsidy under State Disaster Response Fund (SDRF) norms.

3. The Government, after careful consideration of the proposal of Additional Chief Secretary / Commissioner of Revenue Administration and based on the approval of State Executive Committee (SEC), accord sanction for a sum of Rs. 186,25,07,782/- (Rupees One hundred and eighty six crore twenty five lakhs seven thousand seven hundred and eighty two only) from the State Disaster Response Fund (SDRF) towards input subsidy for affected farmers whose Maize Crops damaged due to attack of Fall Army Worm during Rabi 2018-2019 in Thoothukudi, Salem, Virudhunagar, Tiruchirapalli, Ariyalur, Perambalur, Madurai, Cuddalore, Tiruppur, Ramanathapuram, Coimbatore, Tirunelveli, Dindigul, Thiruvannamalai, Vellore, Namakkal and Them' Districts.

4. The amount sanctioned in paragraph 3 above shall be debited to the following Head of account:-

"2245-Relief on account of natural calamities - 01 Drought - 101-Gratuitous Relief State's Expenditure AE-Subsidy to farmers for Agricultural inputs - 311-Subsidies 01-Individual Based subsidy (IFHRMS DPC 2245 01 101 AE 31101)

(OLD DPC 2245 01 101 AE 1114)"

5. Necessary additional funds will be provided in Revised Estimate / Final Modified Appropriation 2019-2020 to meet the expenditure sanctioned in paragraph 3 above. Pending provision of such funds, the Additional Chief Secretary / Commissioner of Revenue Administration is authorized to draw and disburse the amount. This expenditure shall be brought to the notice of the Legislative Assembly by the way of Specific Inclusion in the Supplementary Estimates 2019-2020. The Additional Chief Secretary / Commissioner of Revenue Administration is directed to include the expenditure sanctioned above, while sending the budget proposal of Revised Estimate / Final Modified Appropriation 2019-2020 and also send necessary explanatory notes for inclusion of this expenditure in the Supplementary Estimates 2019-2020 to Finance (BG.I/Revenue) Department at appropriate time without fail.

6. This order issues with the concurrence of Finance Department vide its U.O.No.31168/Finance (Revenue)/2019, dated 03.07.2019 with Additional Sanction Ledger No.598 [Five hundred and ninety eight].

ATULYA MISRA
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

9. On instructions Mr.E.Manoharan, learned Additional Government Pleader, further submitted that disbursement of the abovesaid sum of Rs.186,25,07,782/- to the farmers identified from 17 Districts, would be disbursed within a period of four weeks from today. Submission of the learned Additional Government Pleader is placed on record.

10. Additional Chief Secretary to the Government, 1st respondent is directed to disburse the funds immediately. District Collector and other authorities are further directed to disburse the relief fund under the SDRF, to the farmers identified, and that the same should be completed, as assured before this Court, within a period of four weeks from today.

11. With the above directions, the writ petition is disposed of. No Costs.

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[S.M.K., J.] [S.P., J.]
05.07.2019

Index: Yes/No.
Internet: Yes
Speaking / Non-speaking Order

Note to office:
Issue order copy by 08.07.2019.

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S.MANIKUMAR, J.
AND
SUBRAMONIUM PRASAD, J.

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To

1. State of Tamilnadu,
Rep. by its Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai - 600 009.

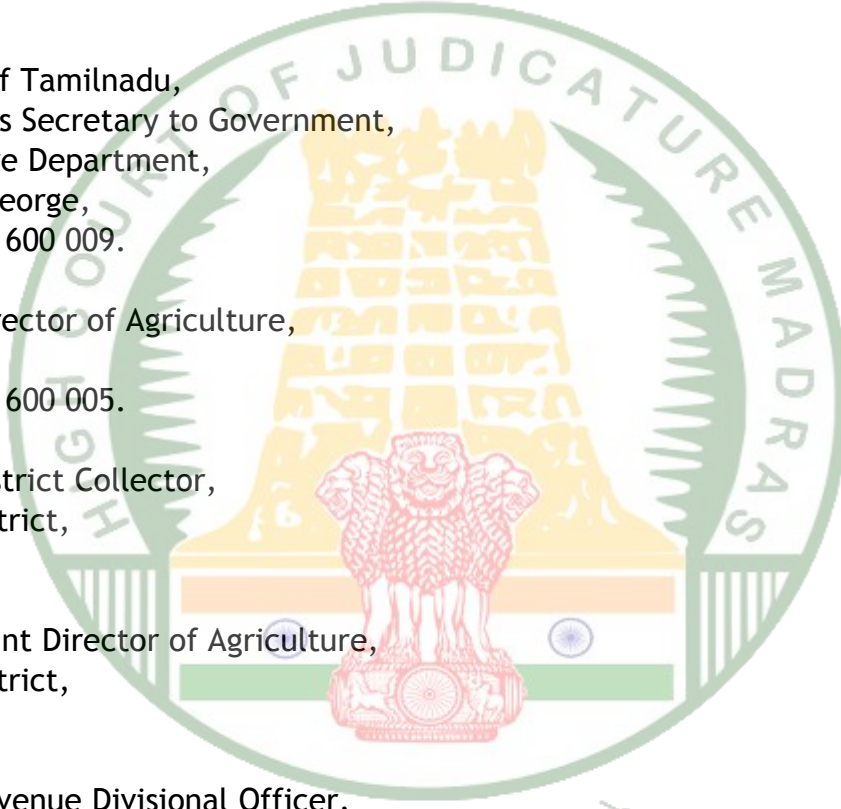
2. The Director of Agriculture,
Chepauk,
Chennai - 600 005.

3. The District Collector,
Salem District,
Salem.

4. The Joint Director of Agriculture,
Salem District,
Salem.

5. The Revenue Divisional Officer,
Collectorate,
Salem & District.

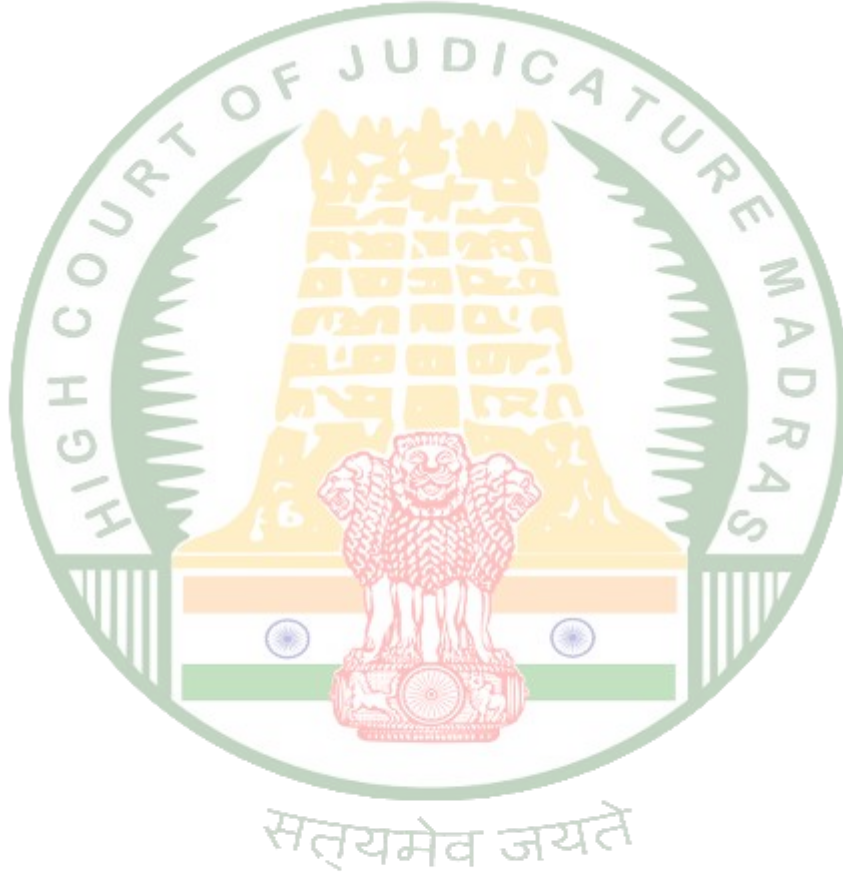
6. The Deputy Director of Statistics,
Collectorate,
Salem & District.



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W.P.No.13407 of 2019

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