



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 17.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.940 of 2019

and

CMP (MD)No.8511 of 2019

- 1.The State of Tamil Nadu,
Rep. through its Secretary,
Agricultural Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Agricultural,
Government of Tamil Nadu,
Chepauk, Chennai - 600 005.
- 3.The Joint Director of Agriculture,
Agriculture Department, Tallakulam, Madurai-2.
- 4.The Assistant Director of Agriculture,
Agriculture Department,
Vinayagapuram, Melur Town and Taluk,
Madurai District.

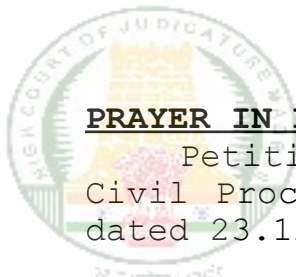
.. Appellants/

Respondents 1 to 4/Respondents 1 to 4

Vs.

- 1.T.Rama
- 2.SP.Thamilmaran
- 3.K.Meenakshi
- 4.P.Kamban
- 5.P.Mohamed Hanifa
- 6.Nagoor Ammal
- 7.K.Suraj Ban
- 8.P.Peer Mohamed
- 9.M.Prakash Pandi
- 10.V.Malayalam ... Respondents 1 to 10/Petitioners 1 to 10/
Writ Petitioners
- 11.T.Ramalakshmi ... 11th Respondent/5th Respondent/5th Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in Rev.App(MD)No.52 of 2012 in W.P. (MD) No. 9528 of 2009, dated 13.02.2019.



PRAYER IN REV.APLC. (MD)No.52/2012:

Petition filed under Section 114 r/w Order 47 Rule 1 Code of Civil Procedure, to set aside the order made in WP(MD)No.9528/2009 dated 23.12.2009 and allow the Review Petition.

Prayer in WP(MD)No. 9528/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS or any other writ or direction in the nature of a writ to the respondents a) directing the 4th respondent to pay the petitioners the paddy seed procurement price at Rs.11.93 paise per kg on the basis of the G.O.(Ms)No.78 of agriculture (AP2) Department, dated 01-03-2008 of the first respondent for the supply of paddy seeds by the petitioners to the fourth respondent on par with the rate of Rs.11.93 paise per kg paid by him to Mrs.Mariyam Beevi and on par with the payment already made at Rs.11.93 paise per kg to all those Seed Farm Farmers of other Panchayat Unions of the same Madurai Revenue District by the concerned Assistant Directors, who are identically and similarly placed with the petitioners and directing to pay the costs of this action.

For Appellants : Mr.A.K.Baskarapandian
Spl.Govt.Pleader

For Respondents : Mr.P.Ganapathi Subramanian

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.A.K.Baskarapandian, learned Special Government Pleader for the appellants and Mr.P.Ganapathi Subramanian, learned counsel for the respondents.

2. This Appeal is directed against the order passed in Review Application (MD)No.52 of 2012, dated 13.02.2019.

3. Initially, the Writ Petition filed by the respondents praying for a direction upon the 4th respondent to pay the paddy seed procurement price at Rs.11.93 Paise per K.G., on the basis of G.O. (Ms)No.78 of Agriculture (AP2) Department, dated 01.03.2008, was dismissed. Subsequently, the writ petitioners filed a Review Application in Rev.App(MD)No.52 of 2012 and pointed out that there is an error apparent on the face of the order passed in the Writ Petition. The Learned Single Bench took into consideration of the factual position and also the fact that the price fixation done by G.O.(Ms)No.78, dated 01.03.2008, does not in any manner state that it is prospective.



4. Considering the fact that the amount is disbursed to benefit the agriculturists, the learned Single Bench held that the said Government Order in G.O.(Ms)No.78, dated 01.03.2008, should be treated as retrospective. Furthermore, we find from the said Government Order it nowhere states that it takes effect from the date of issue of the Government Order nor any cut of date for fixing the price based on the date of supply. Admittedly, in the instant case, the plea for payment of paddy seed procurement was prepared on 20.03.2008 much after issuance of G.O.(Ms).No.78. Furthermore, we are informed that each of the writ petitioners / farmers numbering 10 to get about Rs.10,000/- each. Considering all these facts, we are of the view that the learned Single Judge was right in allowing the Review Application. For such reasons, we find no ground to take a different view in this appeal.

5. In the result, the writ appeal fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (W)

/ True Copy /

Sub Assistant Registrar(CS-)

To

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MPK

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