

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 9551 of 2018

P.Mohammed Hussain

...Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Thiruvarur District.

2. The Tahsildar,
Tahsildar Office,
Kudavasal, Thiruvarur District.

3. T.Govindasamy @ Kittu Pillai

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondents 1 and 2 to issue flood relief, crop insurance and subsidy to the petitioner for the year 2017 and for subsequent years and not to issue the any flood relief, crop insurance and subsidy to the respondent 3 the cultivating tenants as per the petitioner representation dated 08.01.2014.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Ms.P.Rajalakshmi,

Additional Government Pleader.

सत्यमेव जयते

O R D E R

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This writ petition has been filed in the nature of mandamus, directing the first and second respondents namely, District Collector, Thiruvarur and the Tahsildar, Kudavasal, Thiruvarur District to issue flood relief, crop insurance and subsidy to the petitioner for the year 2017 and for the subsequent years and in the same time simultaneously not to issue said relief to the third respondent.

2. The petitioner is the owner of the land in Survey No. 66/4 measuring 01.80 cents and in Survey No.66/2 measuring 0.22 cents and in Survey No.65/6 measuring 0.65 ½, in Survey No.65/7 measuring 3.53 ½ cents primarily cultivating agricultural owned lands. The petitioner leased out the cultivating lands to the third respondent, T.Govindasamy @ Kittu Pillai, son of Thangavel Pillai.

3. It is stated that the third respondent is paying the rent by giving some bags of paddy. It is also stated that the Government of Tamilnadu is issuing flood relief insurance and subsidy to the land owners whose lands were affected by flood and natural calamities. It has been stated in the affidavit filed by the petitioner that the first and second respondents issued the flood relief, crop insurance and subsidy to the third respondent. The petitioner came to understand that for the year 2017 also said relief is to be extended. In this connection, he had given a representation protested against said relief being given to the third respondent by representation dated 02.08.2017. The writ petition has been filed seeking mandamus to pass orders of the said representation.

4. A counter has been filed by the second respondent namely, Tahsildar, Taluk Office, Kodavasal, Thiruvarur District. The second respondent accepted the title of the petitioner to the mentioned agricultural lands. However, it is stated that the Government had issued G.O.MS.No. 8, Revenue Department on 10.01.2017 granting drought relief to the affected farmers. Another G.O.MS.No. 47, Revenue Department dated 21.12.2017 had also issued, granting subsidy to the farmers whose crops were damaged. It is stated that the benefits under the said government orders can be extended only to the farmers who are actually cultivating agricultural crops and whose crops were damaged due to drought. In these circumstances, it is stated that the third respondent is the actual land cultivator, though he had not registered his name in the Tamilnadu Agricultural Land (Record of Tenancy) Rights Act. It is therefore, stated that the third respondent alone is entitled to receive the subsidy benefits and there on.

5. Heard, the learned counsel appearing for the petitioner Mr. Thamizhavel and Mrs. P.Rajalakshmi, learned Additional Government Pleader for the respondent.

6. It is a fact that the petitioner is the owner of the agricultural lands in Survey No. 66/4 measuring 01.80 cents and in Survey No.66/2 measuring 0.22 cents and in Survey No.65/6 measuring 0.65 ½ in Survey No. 65/7 measuring 3.53 ½ cents. It is also a fact that the third respondent is a tenant under the petitioner on lease. It is also a fact that the third

respondent is paying rent by way of giving some bags of paddy from the said lands. It is also a fact that the respondents have passed G.O.MS.No. 8 dated 10.01.2017 granting issue of relief of G.O.MS.No. 47 dated 21.12.2017 granting subsidy to farmers whose farmers were damaged. The issue which now requires clarification's whether such relief can be granted to the petitioner or to the third respondent. It is stated that the third respondent being a cultivating tenant is alone entitled to receive. However, representation dated 02.08.2017 seeking that the subsidy of the grant should be paid only to the petitioner and that the third respondent had not given agreed bags of paddy for the past four years.

7. This is an issue which cannot be decided by this Court. Since the representation has been given it would be only be proper that the second respondent issues notice to the petitioner and to the third respondent, examines the ground facts, give them personal hearing and then pass orders. With the above observations, the writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:-

1.The District Collector,
District Collectorate Office,
Thiruvarur District.

2.The Tahsildar,
Tahsildar Office,
Kudavasal, Thiruvarur District.

+1cc to M/s.M.Thamizhavel, Advocate, S.R.No.2887

W.P.No. 9551 of 2018

CP(CO)
KKV/04/09/2020