

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.35720 of 2019

S.Pandian
S/o.Somasundaram
Andiyappankadu, Maruthur South Post
Vedaranyam Taluk
Nagapattinam District. ... Petitioner

Vs

1. The District Collector,
Nagapattinam Collector Office,
Nagapattinam,
Nagapattinam District.
2. The Joint Director Agricultural,
Office of the Joint Director Agricultural,
Nagapattinam District,
Nagapattinam.
3. The Senior Divisional Manager,
New India Assurance Company Ltd.,
Nagapattinam,
Nagapattinam District.
4. The Branch Manager,
Indian Bank Voimedu branch,
Voimedu, Vedaranyam Taluk
Nagapattinam District. ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 4th respondent to consider the petitioner's representation dated 13.05.2019 within the stipulated time may be fixed by this Hon'ble Court.

For Petitioner : Mr.M.Senthilkumar

For Respondents : Mr.M.D.Ilayaraja,
Government Advocate
for R1 and R2
Ms.R.Janani
for Mr.J.Chandran
for R3
Mr.P.V.Muralidhar for R4

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. This Writ petition is filed for a Mandamus to direct the 4th respondent to consider the petitioner's representation dated 13.05.2019 within the stipulated time.

3. Heard both sides.

4. The case of the petitioner in short is as follows:

The property in S.Nos.150 & 152 in Panchanathikulam West, Vedaranyam, Taluk, Nagapattinam District, measuring an extent of 0.85.5 acres belongs to the petitioner and he is cultivating paddy in the said property for the past 30 years. Every year, relief fund was given by the Government and the petitioner's name is also included in the list of Relief Fund. The Village Administrative Officer issued Chitta and Adangal in favour of the petitioner. In the year 2016-2017, the Government has announced 100% relief fund for the loss incurred to the agricultural land and the insurance relief amount to the affected persons. Since the petitioner has also suffered 100% loss, he has to be given relief fund of 100%. However, only 25% of insurance amount was given and remaining 75% was not given. Hence, the petitioner made a representation for disbursement of the remaining 75% amount. After receiving the petitioner's representation, there was no action from the respondents. Therefore, the petitioner filed W.P.No.34424/2018 directing the Insurance Company to implement the proceedings of the 2nd respondent dated 04.08.2018. The said writ petition was disposed of on 31.01.2019 by directing the Insurance Company to consider the said representation. Thereafter, the 3rd respondent sent a communication on 22.04.2019 stating that as per the data received from the petitioner's banker, i.e., Indian Bank, Voimedu Branch, the Revenue Village was mentioned as "Marudhur South" which was declared for "Failed Sowing" and not Panchanathikulam. Therefore, the petitioner sent a representation to the 4th respondent to rectify the mistake, as the petitioner's land is situated in Panchannadikulam only. The said representation dated 13.05.2019 sent to the 4th respondent has not been considered so far. Hence, the present writ petition.

5. Upon hearing the learned counsel for the petitioner and the learned counsels appearing for the respondents, it is seen that the petitioner approached the 4th respondent seeking rectification of certain mistakes in respect of the village name. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the 4th respondent to consider and decide on the representation made by the petitioner. Therefore, this Writ Petition is disposed of

only by directing the 4th respondent to consider the representation of the petitioner dated 13.05.2019 and pass orders on the same on merits and in accordance with law, after hearing the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk/vsi
To

1. The District Collector,
Nagapattinam Collector Office,
Nagapattinam,
Nagapattinam District.
2. The Joint Director Agricultural,
Office of the Joint Director Agricultural,
Nagapattinam District,
Nagapattinam.
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Nagapattinam,
Nagapattinam District.
4. The Branch Manager,
Indian Bank Voimedu branch,
Voimedu, Vedaranyam Taluk
Nagapattinam District.

+1 cc to M/s.P.V.Muralidhar,Advocate Sr.No. 32001
+1 cc to The Government Pleader, Sr.No. 32165
+1 cc to M/s. J.Chandran,Advocate Sr.No. 31637

W.P.Nos.35720 of 2019

SSD(CO)
RMP(14/10/2020)