



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.13885 of 2020

and

W.M.P. (MD) No.11533 of 2020

WEB COPY

A.Alagarsamy

... Petitioner

Vs.

1) The Principal Secretary Cum
Commissioner of Revenue Administration,
Disaster Management & Mitigation Department,
Ezhilagam, Chepauk,
Chennai 600 005

2) The District Collector,
Tenkasi District.

3) The Regional Joint Director,
Animal Husbandry Department.
Tirunelveli.

4) The Manager,
Pandyan Grama Bank,
Maipparai Branch,
Sankarankovil Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to grant disaster relief to the petitioner to grant disaster relief to the petitioner as per the G.O.(Ms)No.380, Revenue [DM.III(2)] Department dated 27.10.2015 and G.O.(Ms) No.246 Revenue and Disaster Management Department, Disaster Management Wing, DM3(2) Section, dated 03.08.2017 and alternatively waive the loan or grant concession for the poultry Loan No.3/2013 availed by the petitioner in the 4th respondent Bank.

For Petitioner : Mr.R.J.Karthick

For RR 1 to 3 : Mr.M.Rajarajan,
Additional Government Pleader.

For R-4 : Mr.N.Dilip Kumar



O R D E R

Mr.M.Rajarajan, learned Additional Government Pleader accepts notice for the respondents 1 to 3. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to grant disaster relief to the petitioner as per G.O.(Ms) No.380, Revenue [DM.III(2)] Department dated 27.10.2015 and G.O.(Ms) No.246 Revenue and Disaster Management Department, Disaster Management Wing, DM3(2) Section, dated 03.08.2017 and alternatively waive the loan or grant concession for the poultry Loan No.3/2013 availed by the petitioner from the 4th respondent Bank.

3. It is the contention of the petitioner that, he is running a poultry farm and due to heavy rain and lightening on 17.11.2015, his entire poultry farm at Maipparai Village, Tenkasi District got destroyed. According to him, as per the aforesaid G.O.'s, he is entitled for Disaster Relief Fund, under the Disaster Management Act, and in the alternative, he is entitled for waiver of loan availed by him for the said poultry farm business. In such circumstances, he gave a representation on 05.01.2018 to the respondents 1 to 3. However, according to the petitioner, till date, the said representation has not been duly considered. In such circumstances, this writ petition has been filed.

4. As seen from the typed set of papers filed by the petitioner along with this writ petition, the communication dated 29.12.2015 issued by the fourth respondent Bank, from where the petitioner has availed loan, as well as the proceedings, dated 18.02.2016 issued by the third respondent confirm that the petitioner's poultry farm was destroyed due to heavy rain and lightening. G.O.(Ms) No.380, Revenue [DM.III(2)] Department, dated 27.10.2015 was also examined by this Court and as seen from the said Government Order, disaster relief is granted to persons whose business has been destroyed on account of heavy rain, lightening or cyclone. Having given a representation, it is the bounden duty of the respondents 1 to 3 to consider the same on merits and in accordance with law and if the petitioner is entitled for any relief, grant the same to him. Admittedly, till date, the said representation has not been considered by the respondents 1 to 3.

5. This Court is of the considered view that, no prejudice will be caused to the respondents 1 to 3, if the representation of the petitioner, dated 05.01.2018 seeking for grant of relief fund under G.O.(Ms) No.380, Revenue [DM.III(2)] Department dated 27.10.2015 and G.O.(Ms) No.246 Revenue and Disaster Management Department, Disaster Management Wing, DM3(2) Section, dated



03.08.2017 for the loss suffered by him on account of poultry farm having got destroyed as a result of heavy rain and lightening on 17.11.2015, is considered on merits and in accordance with law. Accordingly, this Court is inclined to dispose of this writ petition with the following orders:-

WEB COPY " the respondents 1 to 3 are directed to consider the representation of the petitioner, dated 05.01.2018 on merits and in accordance with law and pass final orders thereon within a period of eight weeks from the date of receipt of a copy of this order."

6. With the aforesaid directions, this writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.11533 of 2020 is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Principal Secretary Cum
Commissioner of Revenue Administration,
Disaster Management & Mitigation Department,
Ezhilagam, Chepauk,
Chennai 600 005
- 2) The District Collector,
Tenkasi District.
- 3) The Regional Joint Director,
Animal Husbandry Department.
Tirunelveli.

+1 CC to Mr.N. DILIPKUMAR, Advocate (SR-19409[F] dated 08/10/2020)
Order made in

W.P. (MD) No.13885 of 2020

07.10.2020