



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.(MD).No.18100 of 2020

B.Marypushpam

.. Petitioner

Vs.

The Assistant Agriculture Officer,
Micro Irrigation Management Information System (MIMIS),
North Car Street,
Near Pillaiyar Kovil,
Sivagiri, Tenkasi District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent to install the Micro Irrigation facilities in the petitioner's properties bearing Survey Nos.65/1B, 65/1E, 65/1R, 65/2K, 65/1I, 65/2I, 65/3E, 65/3B, 64/3L and 65/1C, Koodalur Village, Sivagiri Taluk, Tenkasi District, by considering the petitioner's representation dated 03.09.2020.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.M.Rajarajan

Additional Government Pleader

ORDER

(This writ petition is heard through video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to install the Micro Irrigation facilities in the petitioner's properties bearing S.Nos.65/1B, 65/1E, 65/1R, 65/2K, 65/1I, 65/2I, 65/3E, 65/3B, 64/3L and 65/1C, Koodalur Village, Sivagiri Taluk, Tenkasi District, by considering the petitioner's representation dated 03.09.2020.

2.Heard Mr.M.P.Senthil, learned counsel for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

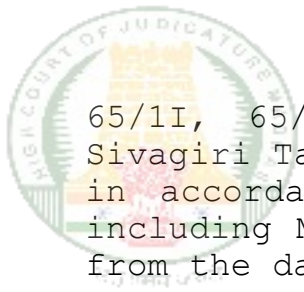
4.It is the case of the petitioner that she is the absolute owner of the aforementioned property. According to her, she applied for Micro Irrigation Management Information System under the Pradhan Mantri Krishi Sinchayee Yojana Scheme, on 25.04.2020. According to her, the respondent considered the application and allotted pipes for the petitioner's agricultural properties under the aforementioned scheme.



5. According to her, all of sudden, it was brought to her notice that a person named Marisamy, who has absolutely no right over the properties, seems to have made objections in respect of the aforementioned properties owned by the petitioner. According to the petitioner, in view of the objection raised by the Marisamy, the first respondent has not delivered the pipes as well as the required materials under the Pradhan Mantri Krishi Sinchayee Yojana scheme. It is also the case of the petitioner that she filed a suit in O.S.No.88/2019 on the file of District Munsif Court, Sivagiri, against Marisamy for permanent injunction, which is pending on the file of the said Court. It is the case of the petitioner that Marisamy is only having the right as a mortgagee. The said mortgage is only a simple mortgage and therefore, the question of delivering the possession of the property to him does not arise. It is also the case of the petitioner that all the revenue records pertaining to the properties stand in her husband's name, who was the original owner of the properties. The petitioner has also given a representation to the respondent on 03.09.2020, calling upon them to supply the pipes and the required materials, for which the petitioner is entitled under the Pradhan Mantri Krishi Sinchayee Yojana scheme. However, till date, due to the objections raised by Marisamy, the respondent has not supplied the materials. In such circumstances, this writ petition has been filed.

6. The case of the petitioner is that she is the owner of the lands at Sivagiri and she has applied to the respondent for Micro Irrigation Management Information System under Pradhan Mantri Krishi Sinchayee Yojana Scheme on 25.04.2020. It is also her case that the respondent has also allotted pipes for her agricultural properties under Pradhan Mantri Krishi Sinchayee Yojana scheme, but has not delivered the same due to the objection raised by one Marisamy. According to the petitioner, Marisamy is only a mortgagee and he cannot prevent the petitioner from getting the benefit under Pradhan Mantri Krishi Sinchayee Yojana scheme. According to the petitioner, even though the application was submitted on 25.04.2020 under Pradhan Mantri Krishi Sinchayee Yojana scheme, till date, the pipes and materials that have to be supplied by the respondent under the aforementioned scheme has not been supplied due to the objections raised by Marisamy. The petitioner has also given a representation on 03.09.2020 to the respondent, calling upon them to supply the materials under the Pradhan Mantri Krishi Sinchayee Yojana scheme. Admittedly, till date, the said representation has not been considered by the respondent. No prejudice will be caused to the respondent, if the representation of the petitioner is considered on merits and in accordance with law, after hearing the necessary parties including Mr. Marisamy, the objector.

7. For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 03.09.2020, seeking for installation of Micro Irrigation Scheme in the properties bearing S.Nos. 65/1B, 65/1E, 65/1R, 65/2K,



65/1I, 65/2I, 65/3E, 65/3B, 64/3L and 65/1C, Koodalur Village, Sivagiri Taluk, Tenkasi District and pass final orders on merits and in accordance with law, after hearing all the necessary parties including Mr.Marisamy, the objector, within a period of eight weeks from the date of receipt of a copy of this order.

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8.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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

The Assistant Agriculture Officer,
Micro Irrigation Management Information System (MIMIS),
North Car Street,
Near Pillaiyar Kovil,
Sivagiri, Tenkasi District.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-24812[F] dated 10/12/2020)

+1 CC to M/s.SPL GP (SR-25160[F] dated 11/12/2020)

W.P. (MD) .No.18100 of 2020
10.12.2020

NS (CO)

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