

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1518 of 2020

K.Parthiban

...Petitioner

Vs

1. The District Collector,
District Collector Office,
Vengikal,
Tiruvannamalai.

2. The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

3. The Tahsildar,
Kilpenathur Taluk,
Tiruvannamalai District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari, directing the first respondent to disburse the compensation on account of demise of petitioner's father, viz., Kasivel, Son of Pachaiyappan aged about 67 years of Aavur Village, Kilpennathur Taluk, Tiruvannamalai District by passing orders on our application dated 06.03.2017 under Form V and Form VI, Part 18 (3)(b) of Chief Minister's Farmers Security Scheme 2011 within time frame limit.

For Petitioner : Mr.P.G.Thiyagu

For Respondents : Mr.V.Shanmugasundar,
Special Government Pleader

ORDER

This Writ Petition is filed for a mandamus, directing the first respondent to disburse the compensation for the death of the petitioner's father by name Kasivel, who died on 06.03.2019, due to an accident.

2. In the affidavit filed in support of this Writ Petition, it is stated that the petitioner's father, Kasivel was a farmer and he was a beneficiary under the Chief Minister's Farmers Security Scheme 2011 and had been issued with the farmer's identity card. On 18.12.2016, he met with an accident, due to which, he died on 20.12.2016. An F.I.R was also registered on 18.12.2016 in Crime No.591 of 2016 in Vettavalam Police Station. As he was the beneficiary under the above said Scheme, the mother of the petitioner presented an application in Form No.V and VI under the Chief Minister's Farmers Security Scheme 2011 on 06.03.2017. The said application was received by the first respondent, who in turn, forwarded it to the third respondent for enquiry. On 14.03.2017, a statement from the petitioner's mother was also recorded. Subsequently, the petitioner's mother also died on 18.09.2019. However, the said application has been kept pending without any orders being passed and money being disbursed. Therefore, the above mandamus has been sought for.

3. In the counter filed by the third respondent, it is stated that as per the norms for sanction of relief to farmers under the Chief Minister's Farmers Security Scheme 2011, the individual's age should be within 65 years whereas the age of the deceased viz., petitioner's father, on the date of the accident, was 67 years.

4. Heard Mr.P.G.Thiyagu, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondents.

5. Admittedly, the application of the petitioner's mother was considered, enquiry was conducted, but it has been kept pending and it was not rejected for any reasons till today. The learned counsel for the petitioner produced the G.O(Ms).No.265, Revenue Department, dated 10.09.2011 and in clause 6(a) of the said G.O., it has been specifically stated that any person, who is directly doing cultivation in the age group of 18 to 65, is entitled to the benefits of the Chief Minister's Farmers Security Scheme 2011 by becoming a member. It is also not the case of the respondents that there is no such Scheme called Chief Minister's Farmers Security Scheme. Admittedly, the petitioner's father was the member of the said scheme. The only objection is with regard to the age of the deceased, namely, the petitioner's father, who was admittedly 67 years on the date of the death.

6. In similar circumstances, this Court had passed an order on 08.02.2018 in W.P.No.6447 of 2017, in which, it has been held in paragraph 8 as follows:-

"8. Perusal of the above said Clause would undoubtedly show that only to become a primary member in the said Scheme, one should be between the age of 18 and 65 and not to have the benefit arising out of the said Scheme. In other words, the said Scheme is to be applied not only to the members who got enrolled themselves under the said scheme and also to their family members for whom, there is no age limit fixed, since they automatically become ordinary members under the said Scheme in view of clause 13 (ii) therein for availing the said benefit. Therefore, the respondents are not justified in rejecting the benefit under the said Scheme to the petitioner only on the reason that the petitioner's daughter died at the age of 10 due to snake bite. The respondents, unfortunately did not consider the above aspects and rejected the claim of the petitioner mechanically, especially, when the said Scheme is introduced only to benefit the poor farmers and their family members. Accordingly, the writ petition is allowed and the impugned order is set aside. Consequently, the respondents are directed to extend\ the benefit of compensation under the above said Scheme to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs."

A reading of the aforesaid order makes it clear that this Court is also not in agreement with the reasoning of the second respondent therein.

7. In view of the above, this Court has no hesitation to hold that the petitioner's father should be extended the benefits of the Chief Minister's Farmers Security Scheme. Accordingly, this Writ Petition is allowed by directing the respondents to extend the benefit of compensation under the above said scheme to the petitioner's father and the same shall be paid to the petitioner, within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

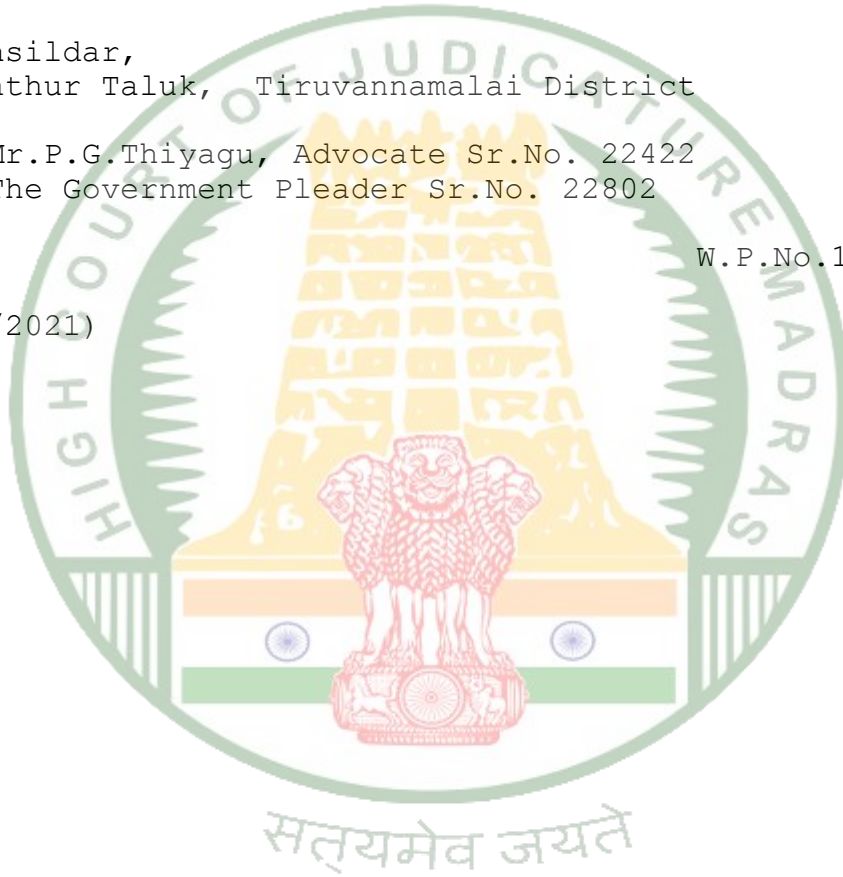
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To

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 2. The Revenue Divisional Officer,
Tiruvannamalai, Tiruvannamalai District.
 3. The Tahsildar,
Kilpenathur Taluk, Tiruvannamalai District
- +1 cc to Mr.P.G.Thiyagu, Advocate Sr.No. 22422
+1 cc to The Government Pleader Sr.No. 22802

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SKY(CO)
RMP(04/05/2021)



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