



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition Nos.1970, 1971 & 1973 of 2020

Kaveri .. Petitioner in W.P.No.1970 of 2020
Govindammal .. Petitioner in W.P.No.1971 of 2020
Thirupathi .. Petitioner in W.P.No.1973 of 2020

Versus

1. State of Tamil Nadu,
Rep. its Principal Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
 2. The District Collector,
Salem District,
Salem.
 3. The Special Deputy Collector,
Social Security Scheme (SSS),
Office of the District Collectorate,
Salem - 636 001.
 4. The Special Tahsildar,
Social Security Scheme (SSS),
Kadaiyampatti Taluk,
Kadaiyampatti,
Salem District.
- .. Respondents in all W.Ps.

W.P.No.1970 of 2020: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of impugned order passed by the fourth respondent vide Na.Ka.242/2019/A1 dated 31.10.2019 and quash the same, consequently direct the respondents to disburse petitioner husband viz., Ponnusamy's death compensation to her as per the Tamil Nadu Chief Minister Agricultural Laborers - Farmers Scheme (Amma Scheme) within the stipulated time.

W.P.No.1971 of 2020: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of impugned order passed by the fourth respondent vide Na.Ka.243/2019/A1 dated 31.10.2019 and quash the same, consequently direct the respondents to disburse petitioner son viz., Kumar @ Senthilkumar's death



compensation to her as per the Tamil Nadu Chief Minister Agricultural Laborers - Farmers Scheme (Amma Scheme) within the stipulated time.

W.P.No.1973 of 2020: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of impugned order passed by the fourth respondent vide Na.Ka.245/2019/A1 dated 31.10.2019 and quash the same, consequently direct the respondents to disburse petitioner father viz., Kandasamy's death compensation to him as per the Tamil Nadu Chief Minister Agricultural Laborers - Farmers Scheme (Amma Scheme) within the stipulated time.

For Petitioner : Mr. M.R.Jothimanian
in all the Writ Petitions

For Respondents : Mr.Stalin Abhimanyu
Government Counsel
in all the Writ Petitions

COMMON ORDER

Since the issue involved herein is one and the same, all the writ petitions were heard together and are decided by this common order.

2.The case projected in the respective writ petitions is as follows:

WP No. 1970 of 2020

2.1 The petitioner claims that she belongs to a poor family and her husband was an agriculturist. While so, on 12.04.2014, when her husband was returning from his work, he met with a road accident and died on the spot. In this regard, a case in Crime No. 220/2014 was registered on the file of Inspector of Police, Deevattipatti, Salem District. According to the petitioner, she is entitled for the death benefits conferred by the Government under Tamil Nadu Agricultural Laborers - Farmers Scheme, 2006. Therefore, she submitted an application seeking compensation. By order dated 31.10.2019, the fourth respondent rejected the application of the petitioner on the ground that the claim was made after a lapse of six months and it is contrary to G.O. Ms. No.265, Revenue (LR.1(2)) Department dated 10.09.2011. Aggrieved by the same, the petitioner has come up with this Writ Petition.

WP No. 1971 of 2020:-

2.2 The petitioner's son Kumar @ Senthil Kumar, was engaged in agricultural work. On 14.03.2007, while he was returning home after completing his work in the agricultural field, he met with a road accident near Seelanayakkanpatty. He was taken to Government hospital, Salem where he was admitted as an in-patient for three days. However, inspite of treatment, on 14.03.2007, he died. In this regard, a case in Crime No. 83 of 2007 was registered by the



Inspector of Police, Traffic Police Investigation Team, Salem. While so, the petitioner submitted an application seeking disbursement of a sum of Rs.1,00,000/- under the Tamil Nadu Agricultural Laborers - Farmers Schemed 2006, but it was rejected by the fourth respondent by order dated 31.10.2019 on the ground that the petitioner's son died in the road accident on 14.03.2007 much before the order passed by the Government in G.O. Ms. No. 265, Revenue (LR.1(2)) Department dated 10.09.2011 and the death of the petitioner's son does not fall under the purview of the scheme.

WP No. 1973 of 2020:-

2.3 It is claimed that the petitioner's father Kandasamy was an agriculturist and on 21.07.2017, he died in a road accident while returning home after completing his agricultural work. In connection with this accident, a case in Crime No. 296 of 2017 was registered on the file of Inspector of Police, Deevattipatti, Salem District. Thereafter, the petitioner submitted an application seeking disbursement of eligible amount under the Tamil Nadu Agricultural Laborers - Farmers Scheme, 2006, but it was rejected by the fourth respondent by order 31.10.2019, on the ground that the petitioner is not in possession of the identity card issued under the said Scheme and therefore, she is not entitled for compensation for the death of her husband.

3. The learned counsel appearing for the petitioners submitted that the issue involved in this case has already been considered and decided by this Court vide order dated 22.01.2021 in W.P. No. 1967 of 2020, the relevant passage of which, is usefully extracted hereunder:

"6. Admittedly, as seen from G.O. Ms. No. 333, Revenue [LR.1(2)] Department, dated 05.08.2014, the District Collector is having the power to condone the delay even beyond the period of 6 months upto to one year in respect of the claim made by the petitioner seeking for compensation on account of death of her husband due to an accident under the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Amma Scheme). In the instant case, the husband of the petitioner died on 08.04.2016 and the application was submitted by the petitioner under the aforementioned scheme on 25.07.2016. Therefore, the claim has been made within a period of one year from the date of death of the petitioner's husband. Table-II of G.O.Ms.No.333 of the Revenue Department dated 05.08.2014 reads as follows:

XXX

XXX

XXX

7. As seen from Serial No.3 in Table-II of the said G.O.Ms.No.333, the District Collector has got the power to sanction belated claims even beyond the period of 6 months upto one year. Admittedly, in the case on hand, the claim has been made by the petitioner within a period of one year. The only reason given by the fourth respondent for



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rejection of the petitioner's claim is that her claim has been made belatedly beyond the period of 6 months. When the District Collector is empowered to sanction claims even beyond the period of 6 months, the fourth respondent ought to have sent the matter to the second respondent instead of rejecting the petitioner's claim. The learned Single Judge of this Court in the decision referred to supra, has also considered an identical matter and has observed that the Government should not stand on hyper technicalities whenever they are considering the implementation of a beneficial scheme. In that decision, the learned Single Judge had set aside the impugned orders and remanded back the matter to the respondents therein for fresh consideration and the petitioner herein is similarly placed to that of the petitioner in that case.

8. From the above observations made by this Court, it is clear that the impugned order has been passed arbitrarily and by total non application of mind to G.O.Ms.No.265, Revenue [LR.1(2)] Department, dated 10.09.2011, G.O.Ms.No.333, Revenue [LR.1(2)] Department, dated 05.08.2014 and G.O.Ms.No.157, Revenue [LR.1(2)] Department, dated 08.04.2015. Hence, the impugned order has to be necessarily quashed and the matter remanded back to the second respondent for fresh consideration in accordance with law.

9. For the foregoing reasons, the impugned order dated 31.10.2020 is hereby quashed and the matter is remanded back to the second respondent/ District Collector for fresh consideration and the second respondent shall pass final orders on the petitioner's application seeking for death compensation under the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Amma Scheme), in the light of G.O.Ms.No.265, Revenue [LR.1(2)] Department, dated 10.09.2011, G.O.Ms.No.333, Revenue [LR.1(2)] Department, dated 05.08.2014 and G.O.Ms.No.157, Revenue [LR.1(2)] Department, dated 08.04.2015, on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

10. With the aforesaid direction, this writ petition stands disposed of. No costs. "

Placing reliance on the same, the learned counsel submitted that the claim of the petitioners may be directed to be considered by the fourth respondent, in the light of the aforesaid decision of this Court.

4. On the above contentions raised by the learned counsel for the petitioners, this Court heard the learned Government Counsel appearing for the respondents and also perused the materials placed.

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9. It is evident that the Government has framed a rehabilitative scheme whereunder compensation was ordered to be disbursed to the agriculturists, who died due to motor accident. It



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is a beneficial scheme intended to provide social security to the marginalised farmers, who succumb to injuries in road accidents. In this case, the deceased, who succumbed to injuries in the road accident, are agriculturists and therefore the petitioners, who are the legal heirs of the deceased, are entitled to compensation as per the scheme. However, the fourth respondent by harping upon technicalities rejected the claim made by the petitioners. In fact, in Serial No.3, Table II appended to G.O. Ms. No.333, Revenue Department dated 05.08.2014, certain guidelines have been provided for entertaining an application under the scheme within a specified period, however, the application submitted belatedly can still be considered by the District Collector by examining the reason for delay and entertain the application on merits. The period specified in Table II of the G.O. Ms. No.333 cannot be construed as mandatory, if at all, it is only directory. Therefore, this court is of the opinion that the applications submitted by the petitioners under the provisions of the Scheme, cannot be rejected by reason of technicalities and the same have to be harmoniously considered by the District Collector. Further, in an identical case in WP.No.1967 of 2020 referred to above, this court quashed the rejection order passed by the District Collector, Salem and remanded the matter for fresh consideration, by order dated 22.01.2021, which is squarely applicable to the facts of the present case, as the petitioners herein are similarly placed persons.

6. In such view of the matter, the orders of rejection dated 31.10.2019 passed by the fourth respondent in these writ petitions are liable to be set aside and are accordingly, set aside. The matter is remanded back to the fourth respondent for fresh consideration and the fourth respondent shall pass orders on the petitioners' applications seeking compensation under the Tamil Nadu Chief Minister Agricultural Labourers-Farmers Scheme (Ammu Scheme), in the light of G.O.Ms.No.265, Revenue [LR.1(2)] Department, dated 10.09.2011, G.O.Ms.No.333, Revenue [LR.1(2)] Department, dated 05.08.2014 and G.O.Ms.No.157, Revenue [LR.1(2)] Department, dated 08.04.2015, on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, all the three writ petitions are disposed of. No costs.

av/rsh

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1. The Principal Secretary to Government,
The State of Tamil Nadu
Revenue Department
Fort St. George
Chennai - 600 009

2. The District Collector
Salem District
Salem

3. The Special Deputy Collector
Social Security Scheme (SSS)
Office of the District Collector
Salem - 636 001

4. The Special Tahsildar
Social Security Scheme (SSS)
Kadaiyampatti Taluk
Kadaiyampatti
Salem District

+3 C.C. TO M/S.M.R.JOTHIMANIAN, ADVOCATE SR.NO.49140/2021

WP Nos.1970, 1971 & 1973 of 2020

GP(CO)
DV(21/10/2021)