



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2021

CORAM :

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND**

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.5224 of 2018

WEB COPY

A.Palanivel

...Petitioner

Vs

- 1.The Government of Tamil Nadu
Rep. by The Chief Secretary,
Secretariat Buildings,
Chennai - 9.
2. The Secretary to Government,
Department of Agriculture,
Fort St. George,
Chennai - 9.
3. The Commissioner,
The Department of State Disaster Management,
Ezhilagam, Chepauk,
Chennai - 5.
4. The Director,
Department of Agriculture,
Chepauk, Chennai - 5.
5. The District Collector,
Thanjavur District,
Thanjavur.
6. The Joint Director for Agriculture,
Thanjavur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 to 6 to disburse the drought relief announced for the year 2016 by the State Government as per G.O.Ms.No.47 (Revenue) DM3 (1) Department, dated 21.2.2017 to the affected coconut farmers of 21 districts including Thanjavur District as per the representation given by the petitioner dated 25.09.2017 and 29.12.2017 within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.V.K.Vijayaragavan

For Respondents : Mr.A.K.Manikkam

Standing Counsel for Government



ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

The petition, by way of this public interest litigation, filed on behalf of the coconut growers, seeks for a direction upon the respondents 1 to 6 to disburse drought relief announced for the year 2016 by the State Government as per G.O.Ms.47 (Revenue) DM(3) Department dated 21.02.2017 to the affected coconut farmers, including Tanjore District.

2. The assessment of damage caused by fury of nature has been done by a panel of experts and based on the extent of damage suffered in various districts in the State of Tamil Nadu, the Government fixed the subsidy relief assistance to be extended to the affected farmers.

3. So far as Tanjore District is concerned, the damage was assessed at ten percent whereas the benchmark which was fixed by the experts was 33 percent. If such is the factual position, exercising jurisdiction under Article 226 of the Constitution we will not be justified in substituting the view of the experts and for issuing a direction to extend subsidy as sought for by the petitioner.

4. For such reasons, the relief sought for cannot be granted. The writ petition is therefore dismissed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MNR

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 Chief Secretary,
Government of TamilNadu,
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Chennai - 9.
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SRK(CO)
LR (06.08.2021) 3P 7C