



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.1225 of 2018 &
CMP(MD)No.8583 of 2018

WEB COPY

- 1.The Special Commissioner/
Revenue Administrative Officer,
Natural Calamity Management cum Audit Department,
Chennai.
 - 2.The District Collector,
Collectorate, Madurai.
 - 3.The Administrative Officer,
The District Agriculture Engineering Department,
Madurai District, Madurai.
 - 4.The Thasildar,
Usilampatti Taluk,
Madurai District.
- ... Appellants
- Vs.
- P.Parthiban
- ... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order passed in WP(MD)No.8581 of 2018, dated 16.07.2018 by allowing this Writ Appeal.

Prayer in WP(MD). 8581 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned rejection order of the 2nd respondent in his proceedings in ROC. No. 19940/D6/2016 dated 26.12.2017 and quash the same and consequential direction to the respondents to sanction a sum of Rs. 89,000/- along with interest from the date of calamity held in the year 2010 from the natural calamity relief fund.

For Appellants : Mr.R.Baskaran,
Standing Counsel for Government

For Respondent : Mr.K.K.Samy



JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

We have heard Mr.R.Baskaran, learned Standing Counsel for Government for the appellants and Mr.K.K.Samy, learned counsel appearing for the respondent.

2. This appeal by the Government is directed against the order dated 16.07.2018 in WP(MD)No.8581 of 2018.

3. The said Writ Petition was filed by the respondent challenging the order passed by the second appellant rejecting the request made by the respondent claiming compensation of Rs.89,000/- for the damage caused to his well on account of the Natural Calamity.

4. According to the appellants, there was no calamity, which occurred during the relevant time and the respondent's claim for compensation was rightly rejected by the second respondent and wrongly set aside by the learned Single Bench.

5. However, we find from the proceedings of the District Collector dated 16.12.2011, there is a specific recommendation in Serial No.43, recommending a sum of Rs.89,000/- as compensation payable to the respondent for the damage caused to the agricultural well. If such is the position, we find there is no error in the order passed by the learned Single Bench, by issuing direction contained in paragraph No.6 of the impugned order.

6. Therefore, we find no ground to take a different decision in the matter. For such reasons, the Writ appeal is dismissed and the order and direction issued by the learned Single Bench shall be complied with by the appropriate appellant within a period of 12 weeks from the date of receipt of a copy of this Judgement. No order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

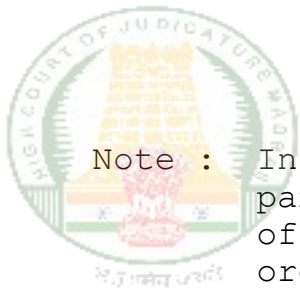
Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mbi/pkn



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.

WEB COPY

To

- 1.The Special Commissioner/
Revenue Administrative Officer,
Natural Calamity Management cum Audit Department,
Chennai.
- 2.The District Collector,
Collectorate, Madurai.
- 3.The Administrative Officer,
The District Agriculture Engineering Department,
Madurai District, Madurai.
- 4.The Thasildar,
Usilampatti Taluk,
Madurai District.

+1 CC to M/s.K.K.SAMY, Advocate (SR-20115[F] dated 24/06/2021)

JUDGMENT MADE IN
W.A.[MD]No.1225 of 2018
22.06.2021

PK(CO)
TR(29.06.2021) 3P 6C