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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.8699 of 2022

S.Palanisami

.. Petitioner

Vs.

1.The District Collector
O/o.The District Collector
Erode District
Erode.

2.The District Forest Officer
O/o.The District Forest Officer
Sathyamangalam Tiger Reserve
Sathyamangalam
Erode District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to pay enhancement of compensation of banana trees damaged by the wild animals on 19.09.2020, 20.09.2020 and 15.11.2020 based on the petitioner's representation dated 13.01.2022 and to the petitioner within stipulated time as fixed by this Court.

For Petitioner	:	Mr.C.Venkatesh for Mr.R.Murugabharathi
For Respondents	:	Mr.T.K.Saravanan Government Advocate

O R D E R

Writ Petition is filed seeking a direction to the respondents to pay enhancement of compensation for the banana trees damaged by the wild animals on 19.09.2020, 20.09.2020 and 15.11.2020 to the petitioner, based on his representation dated 13.01.2022, within a stipulated time as fixed by this Court.

2.Heard the learned counsel appearing for the petitioner as well as Mr.T.K.Saravanan, learned Government Advocate, who takes notice for the respondents and perused the entire materials on record.



3. By consent of both the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents, the Writ Petition is taken up for final disposal at the stage of admission itself.

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4. The petitioner is a farmer and is cultivating banana trees in his land in S.No.275/3C & 288/1B situate at Pudhupeerkadavu village, Sathyamangalam, Erode District. When bananas were ripe for harvesting, the wild animals entered into his land, damaged all the bananas ripe and banana trees. According to the petitioner, he suffered loss to the tune of Rs.2,00,000/-. He informed the damages caused to his land to the 2nd respondent. The 2nd respondent inspected the land, cultivated land and has given instruction to the Village Administrative Officer and Land Revenue Officer to call for the report for assessment of actual damages. After receiving instruction from the 2nd respondent, the officials from Horticulture Department assessed damages, filed reports stating that 675 trees due for harvesting were damaged and petitioner suffered damages to the tune of Rs.1,30,200/- and Rs.68,800/-. On enquiry by the petitioner, the 2nd respondent informed that said reports were accepted and petitioner would be paid compensation. But after number of reminders, the 2nd respondent has paid only a sum of Rs.17,500/- as compensation. The said amount is very meagre. The learned counsel appearing for the petitioner submitted that when the 2nd respondent accepted the reports of the Village Administrative Officer, Land Revenue Officer and officials from the Horticulture Department, the 2nd respondent is bound to pay the said amount. Hence, the petitioner gave representation dated 13.01.2022 to the respondents. Since no order was passed on the said representation, the petitioner has come out with the present Writ Petition.

5. The learned Government Advocate appearing for the respondents submitted that as per the Government Order in G.O.Ms.No.141, Environment and Forests (FR.5) Department, dated 25.11.2016, the petitioner is entitled only a sum of Rs.17,500/- towards compensation, the said amount was given to the petitioner and he is not entitled for further enhanced compensation and prayed for dismissal of the Writ Petition.

6. From the above materials, it is seen that claim of the petitioner that wild elephant damaged banana trees ripe for harvesting is not disputed. As per the instruction of the 2nd respondent, the Village Administrative Officer and Land Revenue Officer inspected the land of the petitioner. The officials from Horticulture Department assessed damages to the tune of Rs.1,30,200/- and Rs.68,800/-. But the petitioner was paid only a sum of Rs.17,500/- as compensation. In such circumstances, the petitioner has given representation on 13.01.2022 to the



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respondents for enhancement of compensation. Though the respondents received the said representation, they did not send any reply. When damage caused to the petitioner's banana trees is accepted, the 2nd respondent is bound to consider and pass orders on the representation of the petitioner.

7. Considering the above materials, without deciding the issue and the quantum of damages caused to the petitioner as claimed by him, the 2nd respondent is directed to consider the representation of the petitioner dated 13.01.2022 for enhanced compensation taking into account the reports of the Village Administrative Officer, Land Revenue Officer and the officials of Horticulture Department and pass orders on merits and in accordance with law, after giving opportunity of being heard to the petitioner.

8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
O/o. The District Collector
Erode District
Erode.

2. The District Forest Officer
O/o. The District Forest Officer
Sathyamangalam Tiger Reserve
Sathyamangalam
Erode District.

+1cc to Mr. R. Murugabharathi, Advocate, S.R.No.24500
+1cc to the Government Pleader, S.R.No.24911

W.P.No.8699 of 2022

PM(CO)
CT 20/04/2022