



WP.No.6143 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.6143 of 2017

K.Rathinasamy

... Petitioner

Vs

1. Union of India,
Rep. by Secretary to Puducherry Government,
No.1, Beach Road, Puducherry – 605 001.
2. The Director of Agriculture,
Directorate of Agriculture,
New Light House Road, Puducherry – 605 002.
3. The Agricultural Officer,
Additional Directorate of Agriculture
Thaaltheru, Karaikal – 609 602.

... Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of direction to call for the records in No.5237/ADK/KKL/A2/2016-17/2238 dated 01.12.2016 passed by the third



WP.No.6143 of 2017

respondent and quash the same and further direct the third respondent to disburse the drought relief amount of Rs.29,400/- [Rupees twenty nine thousand and four hundred only] and the balance amount of Rs.2000/- [Rupees two thousand only] for back end investment subsidy for ploughing for the year 2013-14 to an extent of 1.63.37 Hectare and Rs.360/- [Rupees three sixty only] to direct sowing subsidy as per the applications of the petitioner and as per the representation of the petitioner dated 29.11.2013, 23.01.2014 and 25.08.2014.

For Petitioner : Ms.R.T.Shyamala

For Respondents : Mrs.V.Usha, AGP [Pondy]

ORDER

This Writ Petition has been filed to quash proceedings in No.5237/ADK/KKL/A2/2016-17/2238 dated 01.12.2016 passed by the third respondent and further direct the third respondent to disburse the drought relief amount of Rs.29,400/- [Rupees twenty nine thousand and four hundred only] and the balance amount of Rs.2000/- [Rupees two thousand only] for back end investment subsidy for ploughing for the year 2013-14 to an extent of 1.63.37 Hectare and Rs.360/- [Rupees three sixty only] to direct



WP.No.6143 of 2017

WEB COPY

sowing subsidy as per the applications of the petitioner and as per the representation of the petitioner dated 29.11.2013, 23.01.2014 and 25.08.2014.

2. The case of the petitioner is that the petitioner is an agriculturist and cultivating to an extent of 1.4705 Hectare in RS.No.86/3 and S.No.84/8 in Karaikal. In the year 2012-2013, since the entire area of Karaikal was hit by drought, the petitioner applied for drought relief to the third respondent on 24.07.2013. Despite all the revenue records submitted by the petitioner and the name of the petitioner was included for relief, subsequently, subsidy was allotted only for 020.000 Hectare instead of the original claim for an extent of 01-47-50. It is the case of the petitioner that correction has been made in the revenue records and 01.47.50 hectare was altered to 00.20.00 hectares and submitted that he is entitled to Rs.29,400/- as drought relief. Without assigning any reason, the same has been reduced to Rs.4000/-. Hence, this Writ Petition.

3. In the counter filed by the respondents, admitting the relief of drought relief for the extent, it is the contention of the respondents that at the



WP.No.6143 of 2017

WEB COPY

relevant period, the petitioner cultivated only to an extent of 00.20.00 hectare. Therefore, the relief was restricted to the area of 00.20.00 hectares.

Whereas in the other years, the petitioner has got relief for entire extent and a total sum of Rs.7,73,00,000/- has been released for all the farmers. The Department has not shown any partiality or bias towards the petitioner. The revenue records have not been properly filed and the relief has been properly paid. Hence, prayed for dismissal of this petition.

4. The learned counsel for the petitioner submitted that drought relief has been assessed for an extent of 1.47.50 hectares whereas the same has been altered to 00.20.00 hectare by the respondents without any reason. Whereas, the adangal clearly indicate that the petitioner is cultivating to an extent of 1.47.50 hectares. Even the documents produced through Right to Information Act substantiate their claim. Only at the time of disbursement of the amount, Rs.29,400/- has been reduced to Rs.4000/- and there is interpolation in the records. Hence, submitted that the petitioner is entitled for the relief.

5. Whereas, it is the contention of the learned counsel Additional



WP.No.6143 of 2017

WEB COPY

Government Pleader [Pondicherry] that the petitioner is entitled for the relief to an extent of 00.20 hectare and the said relief has been paid to the petitioner.

6. I have perused entire records. It is not disputed that the drought relief has been sanctioned to the Government of Pondicherry for the year 2012 – 2013. The documents filed on the side of the Writ petitioner obtained through Right to Information Act clearly show that for the year 2012 – 2013, the petitioner has cultivated 1.47.50 hectares. The contention of the petitioner is that originally, while assessment was made by the Agricultural Department, the assessment was made to the effect that the petitioner has cultivated 1.47.50 hectares. Only at the time of disbursing the amount, the extent has been reduced to 00.20.00 hectares. Originally the assessment was made for 1.47.50 hectares and the drought relief was fixed at Rs.29,400/-. The Adangal and revenue records clearly indicate that the petitioner has cultivated 1.47.50 hectares at the relevant point of time. When the general assessment has been arrived by the Government, there is no reason as to how 1.47.50 hectares has been reduced to 00.20.00 hectares, suddenly without any reason. It is stated by the respondent that only on the



WP.No.6143 of 2017

WEB COPY

basis of the extent of the area, the drought relief has been reduced. This Court is unable to countenance the contention of the respondent. The inspection has been after 9 months. Therefore, such contention cannot be accepted.

7. When the revenue records itself clearly indicate that the cultivated area is 1.47.50 hectares, merely on the basis of belated inspection, it cannot be said that the area cultivated is less than 1.47.50 hectares. Originally the assessment made by the Department for an extent of 1.47.50 hectares. Further, the certificate issued by the Tahsildar clearly show the various extent owned by the farmers. The nature of cultivation has been clearly captured by the Additional Director of Agriculture. Whereas, the same has been subsequently reduced to 00.20.00 hectares without any reasons. The Tahsildar has also issued a certificate as early in the year 2012 that the petitioner has cultivated to an extent of 1.47.50 hectares followed by the report submitted by the Additional Director of Agriculture also substantiate the same. The same clearly indicate that the relief has been reduced to Rs.4000/- from 29,400/-, some interpolation has been made in the entries at a later stage. Therefore, such an action by the authorities denying the relief



WP.No.6143 of 2017

is nothing but illegal.

WEB COPY

8. Accordingly, this Writ Petition is disposed of and the third respondent is directed to pay a sum of Rs.25,000/- to the petitioner within a period of two months from the date of receipt of a copy of this Order. No costs.

11.10.2022

vrc
To,

1. The Secretary to Puducherry Government,
No.1, Beach Road, Puducherry – 605 001.
2. The Director of Agriculture,
Directorate of Agriculture,
New Light House Road, Puducherry – 605 002.
3. The Agricultural Officer,
Additional Directorate of Agriculture
Thaaltheru, Karaikal – 609 602.



WEB COPY



WP.No.6143 of 2017

N.SATHISH KUMAR, J.

vrc

WP.No.6143 of 2017

11.10.2022