



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

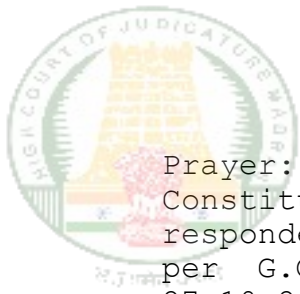
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.28131 of 2017 and
W.M.P.No.30262 of 2017

1. E.Govindaswamy
 2. Radhan
 3. G.Dasarathan
 4. D.Ravi
 5. P.Selvam
 6. Mohan
 7. Narayanasamy
 8. Sanjeevi Naidu
 9. D.Sreenivasan
 10. K.B.Mahesh
 11. Thukkaram Naidu
 12. Manickam
 13. Ravichandran
 14. Sekar
 15. Kathavarayan
 16. S.Krishnamurthy
 17. D.Kakkaiya
 18. Govindaraj
 19. Suresh
 20. Nagesh
 21. Jitendra Samtharia
 22. Munivel Chetty
 23. Vijayakumar
 24. Mani
 25. Kattan
 26. Balarama Naidu
since died rep. by his wife Pramila
 27. R.Maran
 28. Sadanandam
- .. Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department, Fort St.George,
Chennai - 9.
 2. The Collector,
Thiruvallur District.
 3. The Executive Engineer,
PWD Department,
Redhills - 600 052.
- .. Respondents



Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to disburse the flood relief and drought relief as per G.O.Ms.No.380, Revenue (DM III (2) Department, dated 27.10.2015 and G.O.Ms.No.47, Revenue (DM III (2) Department, dated 21.02.2017.

For Petitioners : Mr.B.S.Jhothiraman

For Respondents 1 to 3 : Mr.Baladhandayutham
Special Government Pleader

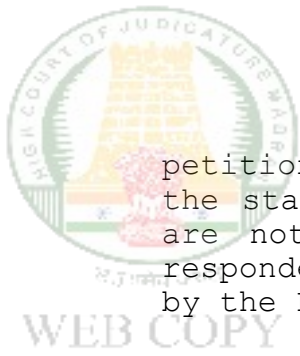
O R D E R

This writ petition has been filed seeking a direction to the respondents to give flood and drought relief to the petitioners as per the Government Order in G.O.Ms.No.380, Revenue (DM III (2) Department, dated 27.10.2015 and G.O.Ms.No.47, Revenue (DM III (2) Department, dated 21.02.2017.

2. The grievance of the petitioners is that, they are agriculturists and having agricultural lands in various extents, situated in Kannan Kottai Village, Gummudipoondi Taluk, Thiruvallur District. During the year 2015, due to floods, their crops were damaged and in the subsequent year 2016 due to drought their crops were damaged. As per the above said G.Os. the loss was assessed in the above said village and almost 127 agriculturists have been paid compensation leaving along the petitioners herein. Hence, they made representation to the authorities and the same was not considered, so they filed the present writ petition.

3. The respondents have filed counter affidavit stating that, earlier petitioners agriculture lands were sought to be acquired for Kannankottai - Thervoykandigai Reservoir Scheme in the year 2014 and the petitioners agriculture lands have been acquired and consequently Award also came to passed. The same was challenged before this Court by filing a writ petition in W.P.No.1607 of 2014 and the said writ petition was dismissed and challenging the said order, writ appeal has been filed in W.A.No.1735 of 2014, wherein, a Division Bench of this Court permitted the petitioners to continue their possession till award amount is paid to them. Since the petitioners land were acquired, they are not entitled for flood and drought relief.

4. The respondents have also filed an Additional counter affidavit stating that field inspection has been conducted by the Revenue Department and Agriculture Department and assessed the crop damage during the 2015 flood and 2016 drought. The



petitioners agriculture lands were inspected and the damage to the standing crops were assessed at less than 33%, hence they are not eligible to get the relief as per the G.Os. The respondents have also filed the details of the assessment made by the Revenue as well as Agriculture departments.

5. Mr.B.S.Jhothiraman, learned counsel appearing for the petitioners submitted that the petitioners agricultural lands were acquired in the year 2014 and as per the Division Bench judgment of this Court, the petitioners continue to be in possession till 2020. They were continuously cultivating crops and in the year 2015 there was a flood and in the year 2016 there was a drought and the petitioners crops were damaged. However, while assessing the crops damage, the revenue authorities did not conduct proper field survey and they wrongly gave compensation to only 127 farmers leaving alone the petitioners. As the petitioners agriculture lands were also damaged, they are also entitled for similar relief.

6. Mr.Baladhandayutham, learned Special Government Pleader appearing for the respondents submitted that based on the joint field survey conducted by the Village Administrative Officer and Assistant Agricultural Officer, 127 farmers were found to be affected due to the floods and drought, hence compensation has been paid to them. As the petitioners agriculture lands were acquired, they are not eligible to get compensation.

7. I have considered the rival submissions and also perused the materials available on record.

8. Perusal of the materials available on record including the joint field inspection report filed by the Assistant Agricultural Officer and the Village Administrative Officer, it could be seen no data is available to show that the petitioners agriculture lands were inspected and damages were assessed. From the said report, it could be seen that the petitioners agriculture lands were not at all assessed by them, had they assessed the site they would have mentioned about the extent of damage caused to the crops but they have simply stated that the standing crops were not damaged 33% and above and hence the petitioners are not eligible.

9. The G.O. is a beneficial order to give relief to the agriculturists whose crops were damaged. Admittedly, in the year 2015 due to floods entire village was affected and there is no positive explanation by the respondents as to how the petitioners land alone remained unaffected in the floods and others lands were affected due to floods.

10. Considering the above circumstances, as already 127 similarly placed persons like that of the petitioners have been given compensation, this Court is inclined to grant relief as sought for by the petitioners and the respondents



are directed to grant flood and drought relief to the petitioners herein as per the extent of the land owned by them. With the above directions, this writ petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Revenue Department, Fort St.George,
Chennai - 9.
2. The Collector,
Thiruvallur District.
3. The Executive Engineer,
PWD Department,
Redhills - 600 052.

+lcc to Mr.B.S.Jhothiraman, Advocate SR. No. 23344
+lcc to Government Pleader SR. No. 23855

W.P.No.28131 of 2017 and
W.M.P.No.30262 of 2017

SKM (CO)
PR (20/05/2022)