



W.P.(MD).No.15995 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **24.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.15995 of 2013

D.Joseph

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Secretariat,
Fort St.George,
Chennai.
- 2.The District Collector,
Office of the District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Tahsildar,
Office of the Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.
- 4.The Revenue Inspector,
Palankottai Revenue Village,
Sankarankovil Taluk,
Tirunelveli District.



W.P.(MD).No.15995 of 2013

5. The Village Administrative Officer,
Palankottai Village,
Sankarankovil Taluk,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to conduct enquiry and take necessary action against the respondents Nos.3 to 5 on the basis of the petitioner's representation, dated 14.09.2013, consequently directing the respondent Nos.3 to 5 to provide him the drought relief for the petitioner's 5 acre 95 cents land in Tirunelveli District, Sankarankovil Taluk, Palankottai Village in Survey No.948/18B, 948/22 and 948/21 within the time stipulated by this Court.

For Petitioner : M/s.R.Alagumani

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the respondents 1 and 2 to conduct an enquiry and to take necessary action as against the respondents 3 to 5, on the basis of the representation, dated 14.09.2013 and consequently direct the respondents 3 to 5 to provide drought relief to the writ petitioner for 5.95 acres.



W.P.(MD).No.15995 of 2013

WEB COPY

2. According to the petitioner, he is the owner of 5 acres and 95 cents of land in Survey Nos.948/18B, 948/22 and 948/21. According to the petitioner, he had cultivated the entire extent of land in the year 2012 and due to drought, he had incurred huge loss in the said year. Hence, he requested for the drought relief from the respondents 3 to 5, as per the drought relief scheme. However, respondents 3 to 5 had demanded money from the writ petitioner and they did not release the drought relief fund to the writ petitioner. Hence, he had prayed for initiating action as against the respondents 3 to 5 and for disbursal of drought relief to the petitioner.

3. The learned Government Advocate appearing for the respondents had filed a detailed counter, contending that though the petitioner owns 5.95 acres, the petitioner had cultivated only 64 cents during the relevant point of time. For the said 64 cents, a sum of Rs.1920/- was credited to the writ petitioner's savings bank account. The allegations of the petitioner that they have shown undue advantage to some other farmer is not correct. In paragraph No.7 of the counter, the

3/7



W.P.(MD).No.15995 of 2013

respondents have clarified that the extent of land cultivated by those farmers are much larger than the extent cultivated by the writ petitioner.

Hence, the respondents have prayed for dismissal of the writ petition.

4. I have carefully considered the submissions made on either side. There is no dispute that the petitioner owns 5 acres and 95 cents in three survey numbers. There is also no dispute that the petitioner is entitled to a drought relief under a Government Scheme for the said relevant year. However, the only issue that is in dispute is that whether the petitioner had cultivated the entire 5.95 acres or the petitioner has restricted his cultivation to 64 cents during the relevant period of time.

5. The learned Government Advocate has produced the adangal extract for the fasli year 1422. As per the said adangal extract, the petitioner has cultivated Ulunthu only for 0.07.0 ares in Survey No. 948/18B. Similarly, the petitioner has cultivated to an extent of only 0.19.0 ares in Survey No.948/22. The petitioner has not at all cultivated in Survey No.948/21. Considering the extent of cultivation, the respondent authorities have disbursed the drought relief in favour of the



W.P.(MD).No.15995 of 2013

writ petitioner. The drought relief can be released only for the extent of loss incurred by the concerned farmer. It does not depend upon the actual extent of land owned by the writ petitioner.

6. In view of the above said facts, I do not find any illegality or infirmity in releasing the drought relief fund. The respondents 3 to 5 have acted properly in consonance with the scheme and the amount has been credited to the account of the writ petitioner. Hence, I do not find any merits in the writ petition. The writ petition stands dismissed. There shall be no order as to costs.

24.08.2022

Index : Yes / No
Internet : Yes / No
btr

To

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Secretariat,
Fort St. George, Chennai.

5/7



W.P.(MD).No.15995 of 2013

2.The District Collector,
Office of the District Collector,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Office of the Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
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4.The Revenue Inspector,
Palankottai Revenue Village,
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W.P.(MD).No.15995 of 2013

R.VIJAYAKUMAR, J.

btr

Order made in
W.P.(MD).No.15995 of 2013

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