



W.P.(MD) No.1887 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.1887 of 2020

K.Gunasekaran

.. Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep., by its Secretary,
Department of Agriculture,
Fort St. George, Chennai-600 009.
- 2.The Director,
Tamilnadu Horticulture Development
Agency (TANHODA),
Agriculture Complex,
1st Floor, Chepauk, Chennai-600 005.
- 3.The District Collector,
Dindigul District, Dindigul.
- 4.The District Collector,
Nilgiris District, Nilgiris.
- 5.The Commissioner,
Horticulture and Plantation Crops,
3rd Floor, Agriculture Complex,
Ezhilagam, Chepauk, Chennai-600 005.



W.P.(MD) No.1887 of 2020

6.The Regional Director for Tamilnadu,
Reserve Bank of India,
Fort Glacis, Rajaji Salai,
Post Box No.40, Chennai-600 001.

7.The General Manager,
State Bank of India,
Circle Top House,
No.16, College Line,
Chennai-600 006.

8.The Authorized Officer/Branch Manager,
State Bank of India,
No.71/191, Annasalai, Kodaikanal,
Dindigul-624 101.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to extend the benefits as derived by the Nilgiri District Floriculture Small Farmers by means of an order of this Court dated 22.07.2016 made in W.P.No.21444 of 2015 and consequential Memorandum as drawn by the fourth respondent made in D.O.Lr.No.A8/8023/2015 dated 17.08.2018 to the petitioner also in pursuance of his representation dated 24.09.2019 and 06.12.2019 forthwith.

For Petitioner	:	Mr.G.K.Sundaram
For RR1 to 5	:	Mr.J.John Rajadurai Government Advocate
For R8	:	Mr.S.Sukumar



W.P.(MD) No.1887 of 2020

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For RR6 & 7 : No appearance

ORDER

The above petition is filed for the following relief:

“For the issue of a Writ of Mandamus, directing the respondents to extend the benefits as derived by the Nilgiri District Floriculture Small Farmers by means of an order of this Court dated 22.07.2016 made in W.P.No.21444 of 2015 and consequential Memorandum as drawn by the fourth respondent made in D.O.Lr.No.A8/8023/2015 dated 17.08.2018 to the petitioner also in pursuance of his representation dated 24.09.2019 and 06.12.2019 forthwith.”

2. It is the case of the petitioner that he is a small farmer in Kodaikanal area having landed property at Poondi Village. The Department of Horticulture and Agriculture, Government of Tamil Nadu, had instructed all the farmers in Kodaikanal to cultivate flowers as the same was more profitable. Towards this scheme, loans were also extended and the petitioner had received a huge loan of Rs.38,06,400/-



W.P.(MD) No.1887 of 2020

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from the eighth respondent-Bank. He had put up a green house and had cultivated flowers. However, due to natural calamities, he had sustained severe loss and the eighth respondent-Bank had brought the property for e-auction invoking the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner would submit that he had approached the Debts Recovery Tribunal, Madurai, and a conditional stay was obtained on payment of a sum of Rs.11,36,000/-. In all, till the date of the filing of the writ petition, the petitioner had paid a sum of Rs.17,86,000/-.

3. It is his further case that in a similar situation at Nilgiris, the vendors had formed an Association and had filed a writ petition in W.P.No.21444 of 2015 and got direction to the Government and Bank authority to consider One Time Settlement Scheme. Similar relief in respect of the Kodaikanal farmers was also extended in W.P.(MD) No. 24548 of 2019. The petitioner is also similarly placed. Hence, he had submitted a representation, which was not considered constraining the petitioner to approach this Court.



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4. The fifth respondent has filed a counter *inter alia* contending that it is for the Bank to decide a settlement, since the loan has been extended by the Bank and the petitioner had obtained a subsidy of Rs. 7,48,000/-. The fifth respondent had further submitted that the concession which has been shown to the Nilgiri farmers was an individual case to case basis and the petitioner herein cannot seek umbrage under the said order.

5. The eighth respondent-Bank has filed a counter affidavit *inter alia* contending that the concession that was shown to the Nilgiri farmers was only on account of a natural calamity that had caused extensive harm to all the farmers and therefore, they had agreed to a One Time Settlement. In the case of the petitioner, no proof of any natural calamity has been produced or proved. That apart, although the eighth respondent had offered a One Time Settlement to the writ petitioner, which was intimated to him over phone, the petitioner has not come forward to accept it. It is also the case of the eighth respondent-Bank that the



W.P.(MD) No.1887 of 2020

petitioner is also carrying on commercial constructions in the site and therefore, the default is a deliberate and wilful one.

6. Heard the learned counsel appearing for the parties.

7. The petitioner cannot seek a mandamus to have the same scheme, which was extended to the Nilgiri farmers for himself, as it has been stated that the concession shown to the Nilgiri farmers was only on account of the fact that they have suffered a natural calamity. That apart, the counter of the eighth respondent would show that the petitioner was offered a One Time Settlement, which he has not accepted or acted upon. In these circumstances, taking into account the fact that there is no legal right conferred upon the petitioner to demand that the concession be extended to him, this Writ Petition is dismissed without costs.

16.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



W.P.(MD) No.1887 of 2020

WEB COPY

To

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The State of Tamilnadu,
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W.P.(MD) No.1887 of 2020

P.T.ASHA, J.

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W.P.(MD) No.1887 of 2020

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