



W.P(MD)No.20631 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20631 of 2015

and

M.P.(MD)No.1 of 2015

R.Punnappan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

3.The State of Tamil Nadu,
Rep. by its Secretary,
Revenue Department,
Fort St.George,
Chennai.

... Respondents

*(R3 is suo motu impleaded vide order dated
27.07.2023 in W.P.(MD)No.20631 of 2015
by GRSJ)*



W.P(MD)No.20631 of 2015

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.P3/28516/14 dated 01.09.2015 and quash the same and consequently to direct the 1st respondent to disburse a drought relief amount of Rs.43,620/- to the petitioner with interest may be fixed by this Court forthwith.

For Petitioner : No appearance

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

ORDER

None appears for the writ petitioner.

2.The petitioner's family owned land in Erachi, Ettayapuram Taluk. The area was hit by drought. The Government announced relief for the year 2012. The petitioner had paid his premium and therefore, his name was forwarded for sanction of drought relief fund. The Government had



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issued G.O.(Ms)No.123 Revenue Department dated 25.04.2013

sanctioning Rs.835 crores and 21 lakhs as drought relief fund and out of the said amount, a sum of Rs.1,03,91,39,559/- was allotted to Thoothukudi District. The drought relief would be distributed only through the Primary Agricultural Society. The petitioner was found eligible and his entitlement was assessed at Rs.43,620/-. Since it was not given to the petitioner, he filed W.P.(MD)No.3636 of 2015 before this Court. This Court vide order dated 16.04.2015 directed the District Collector, Thoothukudi to consider his request. Pursuant to the said direction, enquiry was conducted and the impugned order came to be passed. Challenging the said order, the present writ petition came to be filed.

3.The respondents have filed counter affidavit and the learned Special Government Pleader took me through its contents. Even according to the respondents, the amount could not be disbursed to the petitioner because objection was received from his brother Kandasamy. Kandasamy has filed partition suit in O.S.No.169 of 2007 and preliminary decree had been passed on 29.07.2008. The stand of the



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Tahsildar, Ettayapuram Taluk is that the petitioner is not entitled to get the entire amount and his brother / Kandasamy is entitled to half share.

4.If that be so, the second respondent should have deposited the said amount to the credit of the suit. Instead the amount appears to have been lapsed and credited to Government account. This approach is clearly incorrect. According to the respondents, the petitioner is entitled to 50% of the amount. At least, that amount should have been paid to the writ petitioner. Kandasamy has not come before this Court. However, in the interest of justice, I direct the respondents 1 and 2 to deposit a sum of Rs.43,620/- with interest at the rate of 6% per annum from the date of filing of this writ petition to the credit of O.S.No.169 of 2007 on the file of District Munsif Court, Kovilpatti. Since the learned counsel for the petitioner has not appeared before this Court, I am not sure if the petitioner is still alive or not. It is declared that the writ petitioner / Punnappan and his brother / Kandasamy will be entitled to 50% share each in the said amount. They can withdraw their respective shares. If they are not alive, their legal heirs will be entitled to it. The impugned order is set aside the writ petition is allowed on these terms. The



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Registry is directed to mark a copy of this order to the learned District Munsif, Kovilpatti. No costs. Consequently, connected miscellaneous petition is closed. Consequently, connected miscellaneous petition is closed.

27.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
Thoothukudi,
Thoothukudi District.
- 2.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.
- 3.The State of Tamil Nadu,
Rep. by its Secretary,
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Fort St.George,
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Copy to:

The District Munsif Court,
Kovilpatti.



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G.R.SWAMINATHAN, J.

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27.07.2023
(2/2)