



W.P(MD)No.9041 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9041 of 2015

A.Gopalakrishnan

... Petitioner

Vs

1.The District Collector,
Theni District.

2.The Joint Director,
Agriculture Department,
Theni.

3.The Assistant Director,
Agriculture Department,
Periyakulam,
Vadugapatti,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent dated 25.11.2014 in Lr.No.F2/2014 and quash the same and consequently direct the respondents herein to consider the petitioner's representation dated 16.12.2014 to disburse the drought relief funds.



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For Petitioner : M/s.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is an agriculturist. He is owning two acres of land. He is engaged in plantation of coconut trees. He states that the coconut trees planted by him in the year 2004 were afflicted with Kerala wilt disease and therefore he had to cut and remove them. He approached the authorities for granting relief fund. The petitioner's grievance is that his application was not considered. He therefore filed W.P(MD)No.9155 of 2013 before this Court. It was disposed of on 09.09.2014 by directing the authorities to consider the petitioner's case for disbursement. But the third respondent negated the petitioner's request and informed him vide letter dated 25.11.2014. Challenging the said communication, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He



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pointed out that the impugned order suffers from total non-application of mind.

The petitioner's request was for drought relief for the year 2004. In the impugned order, it has been stated that Theni District was not declared as drought affected region for the year 2007-2008. The contention of the petitioner's counsel is well founded. When the petitioner is talking of the order 2004, the authorities are referring to the year 2007-08. It is true that the impugned order deserves to be set aside on the ground of non-application of mind. But then this Court cannot ignore the stand taken in the counter affidavit.

4. The learned Additional Government Pleader would point out that when the petitioner gave an application for drought relief in the year 2006-2007, a sum of Rs.6250/- (Rupees Six Thousand Two Hundred and Fifty only) was sanctioned and the same was paid to the petitioner vide cheque dated 28.11.2007. When the petitioner's application for the subsequent year i.e., 2006-2007 was immediately acted upon, it is difficult to believe that for the previous year, the authorities were indifferent. The specific stand of the respondents is that for the year 2004, Theni District was not declared as a drought affected region. The petitioner has also not placed any material before this Court to show that for the year in question, the petitioner was eligible. It is



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for this reason even though I find the contention of the learned counsel appearing for the petitioner to be sound, I am not in a position to grant relief. I may not sustain the impugned order but the writ petition is dismissed. There shall be no order as to costs.

29.08.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Collector,
Theni District.
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- 3.The Assistant Director,
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G.R.SWAMINATHAN, J.

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