



W.P.(MD)No.20757 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20757 of 2023

L.Bose @ Periyasamy

... Petitioner

versus

1. The District Collector,
Madurai District.

2. The Tahsildar,
Madurai South,
Madurai District.

3. The Block Development Officer,
Thirupparangundram,
Thirunagar, Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to re-construct the Agri well with motor room in Survey No.472/5B, Avaniyapuram, Madurai, based on the relevant agricultural schemes.



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For Petitioner : Mr.RM.Arun Swaminathan
For R1 and R2 : Ms.D.Farjana Ghoushia,
Special Government Pleader
For R3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner claims that he is a poor person and he is surviving with his agricultural land in Survey No.472/5B situated at Avaniyapuram Village, Madurai South Talu. According to the petitioner, there is a kanmoi very near to his land and due to heavy rain in the year 2016, the water from kanmoi percolated into his well and also caused damage to his well and motor room. Therefore, he is not in a position to do his agricultural activities in the land in Survey No. 472/5B. In this regard, he has submitted representations dated 20.01.2023 and 16.08.2023 to the Legal Services Authorities.

2. The learned counsel appearing for the petitioner submits that this case has been entrusted to him through the Legal Services Authorities to get some relief for the petitioner. He has also relied on



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the proceedings of the Tahsildar, Madurai South, dated 25.08.2020 and submits that the petitioner submitted a representation to the Minister for Revenue and Disaster Management, in the year 2020, which has been forwarded to the Tahsildar, Madurai South. The Tahsildar, Madurai South, by proceedings dated 25.08.2020, has also forwarded the same to the Block Development Officer, Thirupparangundram. Thereafter, there was no action on the said representation of the petitioner.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 submits that the petitioner is not a poor man and he is having 60 cents of land and therefore, he cannot come under the category of “poor man”. She further submits that the damage caused to his well and motor room was due to heavy rain in the year 2016 and therefore, the revenue authorities cannot be held responsible for the damage caused to the petitioner's land.



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4. This Court considered the rival submissions and perused the materials available on record.

5. Admittedly, the petitioner's well and his motor room was damaged due to heavy rain and percolation of water from the adjacent kanmoi. In this regard, the petitioner has also submitted representation to the Minister for Revenue and Disaster Management in the year 2020. The said representation was forwarded to the Tahsildar, Madurai South. The Tahsildar, Madurai South, by proceedings dated 25.08.2020 has forwarded the same to the Block Development Officer, Thiruparamgundram.

6. On the other hand, the respondents have taken a stand that the petitioner is not a poor man and he is having an extent of 60 cents of land and therefore, he does not come under the definition of “poor man” and therefore, he is not eligible for getting any relief under the agricultural schemes.



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7. However, considering the fact that the petitioner's well and his motor room were damaged due to heavy rain in the year 2016 and also considering the fact that the petitioner's representation of the year 2020 is still pending without any consideration, this writ petition is disposed of with a direction to the first respondent to consider the case of the petitioner sympathetically and find out under what scheme the petitioner is eligible for any assistance from the Government, for the loss caused to him and thereafter, pass orders on the petitioner's representation, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

25.08.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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