



**WP(MD). No.5401 of 2017**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Date : 26/02/2024**

**CORAM**

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,  
CHIEF JUSTICE**

**and**

**THE HON'BLE MR.JUSTICE G.ILANGO VAN**

**WP(MD). Nos.5401 and 3994 of 2017  
and WMP(MD) Nos.3182, 3183, 4337, 4338, 7798 and 7799 of 2017**

**WP(MD) No.5401/2017**

**Southern Dryland Farmers Association,  
Represented by its General Secretary  
P.Murugesan**

**... Petitioner**

**Vs**

**1. The State of Tamil Nadu,  
Rep. by It Secretary to Government,  
Revenue Department,  
Fort St.George,  
Chennai - 600 009..**

**2. The Commissioner,  
Revenue Department,  
Ezhilagam,  
Chepauk,  
Chennai - 600 005..**

**3. The District Collector,  
Tuticorin District,  
Tuticorin..**

**1/7**



**WP(MD). No.5401 of 2017**

4. The Tahsildar,  
Vilathikulam Taluk,  
Tuticorin District..

... Respondents

PRAYER in WP(MD) No.5401/2017 :- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned G.O.(MS) No. 47 Revenue (DM3(1)) Department dated 21.02.2017 and quash the portion in para.5, restricting the Drought Relief only for 5 acres is concerned and consequently direct the respondents to grant the Drought Relief to all the affected agricultural lands without limiting to the extent of 5 acres alone per farmer.

For Petitioner : M/s.D.Gurusamy

For Respondents : Mr.P.Thilakkumar  
Government Pleader

**WP(MD) No.3994/2017**

R.Mariappan

... Petitioner

Vs



WP(MD). No.5401 of 2017

1. The State of Tamil Nadu,  
Rep. by It Secretary to Government,  
Revenue Department, Fort St.George,  
Chennai - 600 009..

2. The District Collector,  
Thoothukudi District

3. The Tahsildar,  
Ettayapuram Taluk,  
Tuticorin District.

4.The Village Administrative Officer,  
Periyalovanpatti  
Yettayapuram  
Thoothukudi District

... Respondents

PRAYER in WP(MD) No.3994/2017 :- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned GO's passed by the first respondent bearing G.O.(MS) No. 47 Revenue (DM3(1)) Department dated 21.02.2017 and quash and consequently direct the respondent to consider the petitioner representation dated 27.02.2017.

For Petitioner : No appearance

For Respondents : Mr.P.Thilakkumar  
Government Pleader RR1 to RR4



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WP(MD). No.5401 of 2017

**COMMON ORDER**

**[Order of the Court was made by  
The Hon'ble The CHIEF JUSTICE]**

In WP(MD) No.5401 of 2017, the learned counsel submits that on 3<sup>rd</sup> January, 2024, he has filed his vakalat, but the same is not accepted by the Registry on the ground that no objection of the earlier counsel is not obtained. Ms. M.Sudharani, learned Advocate, submits that she has already given no objection to the petitioner, who is engaging the other Advocate. In light of that, we accept the vakalat of the learned counsel, Mr.D.Gurusamy.

2. Heard the learned Advocate for the petitioner in WP(MD) No. 5401 of 2017 and the learned Government Pleader for the respondents 1 to 4.

3. The learned counsel for the petitioner submits that the decision of the revenue authorities under G.O.No.47 dated 21.02.2017 to restrict the drought relief to the farmers holding lands less than 5 acres is irrational and does not stand to any reason. The Government cannot



WP(MD). No.5401 of 2017

discriminate between the land holders. The ceiling limit is 15 acres. So all the persons should be included in the drought relief. The decision only restricting to the farmers holding the land below 5 acres is arbitrary and this Court may direct the respondents to consider the relief to all the farmers holding the lands within ceiling limits.

4. The learned Government Pleader submits that it is a policy decision undertaken for the benefit of the small farmers.

5. The policy decision is to be taken by the Government with regard to the assistance to be given to the farmers affected by drought. Naturally the benefit should first be accorded to the small and marginal farmers. The relief would be by various ways, such as waiver of the agricultural loans to the small and marginal farmers. The small and marginal farmers cannot be on the same pedestal as that of the farmers holding greater and/or larger chunk of land. The Government certainly will have to consider the budgetary provision. It would not be possible to substitute the views of the Government with the views of the Court. The input subsidy was based on the policy decision. The reasons are also



WP(MD). No.5401 of 2017

given in the counter filed by them. It is for the Government to take a policy decision in that regard. The matters are of the year 2017.

6. With the aforesaid, the writ petitions are disposed of. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

[S.V.G., CJ.]

[G.I., J.]

26.02.2024

TO

1. The Secretary to Government,  
Revenue Department, Fort St.George, Chennai - 600 009..
2. The Commissioner,  
Revenue Department, Ezhilagam, Chepauk,  
Chennai - 600 005..
3. The District Collector,  
Tuticorin District, Tuticorin..
4. The Tahsildar,  
Vilathikulam Taluk, Tuticorin District..
5. The Tahsildar,  
Ettayapuram Taluk, Tuticorin District.



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WP(MD). No.5401 of 2017

**THE HON'BLE THE CHIEF JUSTICE**  
**and**  
**G.ILANGOVAN, J.**

RR

6.The Village Administrative Officer,  
Periyalovanpatti  
Yettayapuram  
Thoothukudi District

**W.P.(MD)Nos.3994 and 5401 of 2017**

**26.02.2024**