



W.P.(MD)No.3496 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.02.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.3496 of 2025

and

W.M.P.(MD) No.2479 of 2025

M.M.Rajavarman
Proprietor,
Rajavarman Farm Equipment ... Petitioner

VS.

1.The Government of Tamil Nadu,
through its Secretary and Commissioner,
Horticulture Department,
Fort St.George, Chennai 600 009.

2.The Director, (Horticulture),
PWD Estate, Walaja Road,
Chepauk,
Chennai -5.

3.The Deputy Director (Horticulture),
Thirupathur Road,
Sivagangai 630 561. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to accept delivery of the 20 VST power tillers to the unsupplied 20



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agriculturists who have been allotted power tillers as per the orders of the 3rd respondent dated 11.09.2024, 21.10.2024 and 29.10.2024.

For Petitioner :Mr.T.S.R.Venkatramana
Senior Counsel for
Ms.V.Janaki Devi

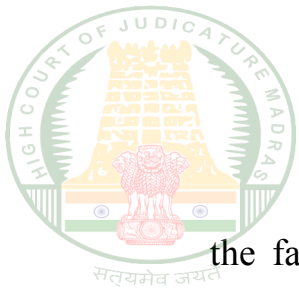
For Respondents :Mr.A.Kannan
Additional Government Pleader

ORDER

The writ petitioner seeks issuance of Writ of Mandamus to direct the respondents to accept delivery of 20 VST power tillers to the unsupplied 20 agriculturists, as per the allotment orders of the third respondent dated 11.09.2024, 21.10.2024 and 29.10.2024.

2. The Government of Tamil Nadu came up with a Scheme to supply power tillers to agriculturists. 50% of the value being given as farmers contribution and the remaining 50% being borne by the Government as its subsidy.

3. It had identified beneficiaries in Sivagangai District. The petitioner was given the contract to supply 40 “VST Tiller Tractors” to

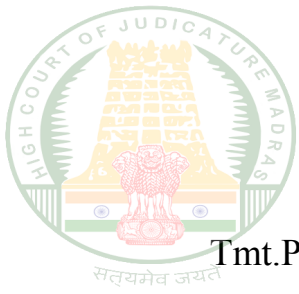


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the farmers. The petitioner pleads that on account of the fact that the concerned Minister had advised the respondents not to permit delivery of 20 power tillers, the respondents are preventing him from executing his contract. Hence, he has come forward with the present writ petition as aforesaid.

4. When the matter came up for admission, I directed Mr.A.Kannan, learned Additional Government Pleader to get instructions in this regard.

5. Mr.A.Kannan has filed a counter affidavit stating that there was no political pressure as alleged by the petitioner. He states that the contract given to the petitioner was cancelled with due intimation to the petitioner's representative on 07.11.2024. He adds that the cancellation orders were served on the staff of the petitioner by name, one Ramu by one Rajangam, an employee of the respondents. After having been served with the order of cancellation, the respondents plead that the petitioner went ahead and supplied 20 power tillers. He states of these 20, only 19 agriculturists are those identified by the Department. One



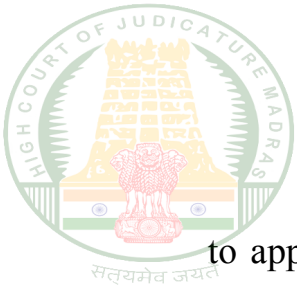
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Tmt.Parameswari, who was not an identified beneficiary, was also benefited with a power tiller by the writ petitioner. The counter also points out that the writ petitioner had collected a sum of Rs.24,53,615/- as farmers contribution from the remaining 21 farmers and the same was not refunded to the farmers on the cancellation of the contract.

6. Mr.T.S.R.Venkatramana, learned Senior Counsel for the petitioner states that the supply made to Parameswari was on the directions of the Horticulture Officer, S.Pudur and therefore, the petitioner cannot be found fault with for having supplied the machine to her.

7. I have carefully considered the submissions of both sides. I have gone through the records.

8. The prayer for a Mandamus to supply the remaining 20 power tillers cannot be issued, when the very contract has been cancelled. Being an executable contract, it is open to the respondents to cancel the same. If the petitioner has suffered a loss. He cannot sue for a Mandamus, but has



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to approach the jurisdictional civil Court seeking for damages. It is not open to this Court to issue directions to the respondents to receive the balance of 20 power tillers.

9. With respect to the 19 power tillers, which has been supplied, a counter affidavit has been filed by the Deputy Director of Horticulture, Sivagangai that the amounts payable by the Government will be disbursed to the writ petitioner on the amounts earmarked for the Scheme being released by the second respondent. The assurance that has been given also states that the same will be issued before the end of the financial year ie., before 31.03.2025. This statement is recorded as an undertaking given to this Court.

10. Insofar as the supply made to Tmt.Parameswari, Mr.Kannan is very clear that she is not a beneficiary. Whether she is a beneficiary or not cannot be looked into by me in this writ petition. That point too shall be reserved for the petitioner to agitate before the jurisdictional civil Court if so advised.



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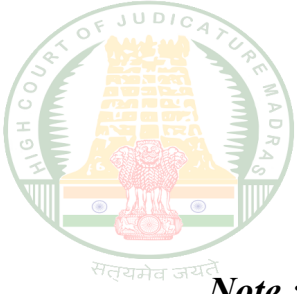
11. There remains yet one more issue, namely of the petitioner having collected a sum of Rs.24,53,615/- from 21 farmers as their contribution. These farmers have not been supplied with the power tillers. Mr.T.S.R.Venkatramana pleads that this amount has been deposited with M/S.VST and that steps will be taken to get this amount from that entity and pay the farmers directly. This statement is also recorded.

12. On the petitioner showing proof of refund of amount of Rs. 24,53,615/- to the 21 farmers, who have not been supplied with power tilling machines, the respondents shall release the subsidy amount for the 19 machineries, which have already been supplied.

13. With the aforesaid directions, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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

24.02.2025



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Note : Issue order copy on 26.02.2025

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To

- 1.The Secretary and Commissioner,
Horticulture Department,
Fort St.George, Chennai 600 009.
- 2.The Director, (Horticulture),
PWD Estate, Walaja Road,
Chepauk, Chennai -5.
- 3.The Deputy Director (Horticulture),
Thirupathur Road,
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V. LAKSHMINARAYANAN, J.

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