



W.P.(MD)No.9294 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.03.2025

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.9294 of 2018
and W.M.P(MD).No.8603 of 2018

K.Dhanalakshmi (died)

K.Sridhar

... Petitioner

(petitioner is substituted vide Court order
dated 28.01.2025 in W.M.P(MD).No.25585 of
2024 in W.P(MD).No.9294 of 20218 by GKIJ)

vs.

The District Collector,
Collectorate, Dindigul.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in Na.Ka.No.MATHI 3/3334/17 dated 27.03.2018 and quash the same and direct the respondent to give compensation to the petitioner for the loss of 308 standing coconut tree in his land situated in S.F.No.1173/1 and 1175/1, Sukkampatti Village, Vedachandur Taluk, Dindigul District as per the report of the advocate commissioner appointed by this Court.



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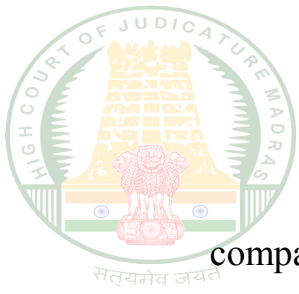
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For Petitioner : Mr.R.S.Sivaram
For Respondent : Mr.G.Suryananth
Additional Government Pleader

ORDER

The original writ petitioner claims that she is the owner of the property situated in S.F.Nos.1173/1 and 1175/1 to an extent of 5 acres and 26 cents at Sukkampatti Village, Vedachandur Taluk, Dindigul District. Out of the extent of 5 acres and 4 cents, she had been growing 380 coconut trees over 4 acres. On account of the fact that the source of water to irrigate the land had been encroached upon by the private individuals, she was not in a position to effectively divert water to the 380 standing trees.

2. Finding that it is possible to irrigate the trees by adopting drip irrigation method, she approached the Agricultural Department, Vadamadurai, Dindigul District, for the said purpose. The Assistant Director directed the petitioner to approach a company called “Samriddhi” for installing the drip irrigation system. She did so. The



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company gave a quotation of Rs.77,095/-, of which, it is stated Rs.55,000/- will be her contribution and remaining amount will be the Government subsidy. Claiming that she is entitled to 100% Government subsidy, she called upon the Assistant Director to pay the remaining amount of Rs.55,000/-. The Assistant Director informed her that 100% subsidy is not available and called upon her to pay the amount, in case, she wanted to go for drip irrigation method.

3. On account of refusal of the Assistant Director to pay the subsidy amount, the petitioner was not in a position to irrigate her standing coconut trees, which resulted in them going to waste. The petitioner states that she suffered a loss, on account of the failure of the Government to release the subsidy and therefore, he addressed the District Collector for compensation. The District Collector, instead of sanctioning compensation, directed the petitioner to reapply for subsidy under the drip irrigation scheme. Aggrieved by the said order, the petitioner has come forth with the present writ petition. Pending the writ petition, the original petitioner expired. Her legal heir filed an application to come on record. It was allowed.



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4. I heard Mr.R.S.Sivaram for the petitioner and Mr.G.Suryananth, learned Additional Government Pleader for the respondent.

5. In order to award damages, the *causa* and *causans* should be connected. If the damage suffered is not directly attributable to the activity or inaction of the State Government, damages cannot be awarded. This is on account of the principle of remoteness of damage. This is a well known principle in tort law.

5.1 According to the petitioner, the death of the coconut trees is directly attributable to the failure of the Assistant Director, Agricultural department in refusing to give her subsidy for drip irrigation system. She pleads that the water resources, which was available, had dried up due to drought and also, on account of encroachments that had been made by private persons and Government Bodies. These averments require evidence-oral and documentary. Unless and until, there is a clear-cut case of negligence or a failure of the respondent in the nature of duty to take care, the principle of constitutional tort cannot be extended to cover



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such cases.

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6. In the light of the above, since evidence is required, I am not in a position to grant the relief, the petitioner seeks for. It is upto the petitioner to workout his rights before the jurisdictional civil Court. The period from 20.04.2018 to till date will stand excluded, due to the operation of Section 14 of the Limitation Act. It is open to the petitioner to seek for an appointment of the Advocate Commissioner to substantiate his plea regarding the encroachments as well as any other facts that he wants to bring to the notice of the Court by way of an appropriate application under Order 26 Rule 9 of the Code of Civil Procedure.

7. With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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V. LAKSHMINARAYANAN, J.

Rmk

To
The District Collector,
Collectorate, Dindigul.

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