



W.P.(MD) No.35320 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.35320 of 2025

and

W.M.P.(MD) Nos.28011 & 28013 of 2025

L.Bose alias Periyasamy

... Petitioner

Vs.

1.The Chair Person cum District Collector,
District Disaster Management Commission,
Madurai District.

2.The Tahsildar,
Madurai South Taluk,
Madurai District.

3.The Block Development Officer,
Thirupparanguntram,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings in Na Ka.No.3220779/2025/The6 dated 08.05.2025 of the first respondent, quash the same as illegal and direct the first to third respondents to grant a relief of Rs.50,00,000/- for



W.P.(MD) No.35320 of 2025

the damage caused to the well and the motor pump set in the land bearing Survey No.472/5B, situated at Avaniyapuram Village, Madurai by taking into account the relevant provisions of the Disaster Management Act, 2005.

For Petitioner : M/s.A.Rajini

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

This Writ Petition is filed challenging the impugned order dated 08.05.2025 and seeking a direction to the first to third respondents to grant relief of Rs.50,00,000/- for the damage caused to the well and the motor pump set in the land bearing Survey No.472/5B, situated at Avaniyapuram Village, Madurai, in accordance with the provisions of the Disaster Management Act, 2005.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the petitioner claims to be a small farmer carrying on agricultural activities in the above land. While so, in the year 2016, there was devastating rain resulting in damage to his land and crops. The flood from the Iyan Pappakudi Kanmai overflowed and his entire land



W.P.(MD) No.35320 of 2025

and well were inundated. Further, the pump set motor room and the well were completely damaged, causing loss to the tune of Rs.15,00,000/-.

3. The petitioner submits that he immediately sent a representation. However, there was no response. The petitioner, therefore, approached this Court in W.P.(MD) No.20757 of 2023. By an order dated 25.08.2023, the respondents were directed to consider the claim of the petitioner and pass orders on merits. Pursuant thereto, the impugned order has now been passed. The impugned order denied compensation to the petitioner stating that there is no provision for grant of any relief to him.

4. According to the learned counsel for the petitioner, the incident, namely, the unexpected rain and flood on account of the overflowing of Iyan Pappakudi Kanmai, is a disaster within the definition contained under Section 2(d) of the Disaster Management Act, 2005. The local authorities are liable to carry out relief, rehabilitation and reconstruction activities in the affected area under Section 41 of the said Act. Therefore, when the petitioner's well, motor pump, equipment and land are all affected on account of the natural calamity, it is the duty of the respondents to provide compensation and therefore, the petitioner is



W.P.(MD) No.35320 of 2025

entitled to the same.

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5. Per contra, the learned Government Advocate appearing on behalf of the respondents would submit that this is a case where the petitioner claims damage due to inundation. It can be seen that the incident occurred in the year 2016 and from then onwards, the petitioner has not been undertaking any agricultural activities. The total extent of the land possessed by the petitioner is about 60 cents and the entire land now stands covered with Seemai Karuvelam trees and absolutely no agricultural activity is being undertaken by the petitioner. The petitioner left the damaged pump room as well as the well unmaintained and on account of this, they have suffered further damage. Even with reference to desilting, no steps have been taken by the petitioner and the petitioner has not immediately obtained any certificate from the Village Administrative Officer or the appropriate authority to show that the well was in good condition and that it got filled only on account of the said overflowing.

6. I have considered the rival submissions made on either side and perused material records of the case.



W.P.(MD) No.35320 of 2025

7. With reference to the petitioner's land and well being affected by the flood and silt, while passing the impugned order, the same has not been disputed on facts. It is not the case of the respondents that no such calamity occurred in the year 2016. At the same time, when a calamity occurs, it is not as if the respondents are duty-bound to compensate for every loss or to pay punitive damages to the petitioner.

8. At the same time, taking into account the duties envisaged under the Act, the Government has issued G.O.(Ms) No.579, Revenue and Disaster Management Department, Disaster Management Wing, DM.III(2) Section, dated 19.12.2023, framing a scheme providing relief to the affected parties. It can be seen from paragraph 4 of the said G.O. that provisions have been made for clearance of debris in public areas, draining of floodwater in affected areas, etc. Similarly, under the head "Agriculture" in paragraph 5, assistance has been announced to small and marginal farmers having landholdings upto 2 hectares and for other losses, wherein a separate head is provided for desilting of agricultural land with a thickness of sand/silt deposit of more than three inches, to be certified by the competent authority of the State Government.



W.P.(MD) No.35320 of 2025

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9. Assistance is also provided for loss of a substantial portion of land due to landslide, avalanche, change in the course of rivers, etc. In respect of crops, input subsidy is also provided. Therefore, when expenses can be sanctioned for desilting of agricultural land where there is a deposit of sand/silt, assistance can be extended to the petitioner under the said head.

10. In view thereof, this Writ Petition is disposed of on the following terms:

- i. The impugned order dated 08.05.2025 shall stand set aside and the matter is remitted back to the file of the first respondent.
- ii. Without driving the petitioner to obtain certificates from every authority and considering the fact that the petitioner's land and well were inundated and silted with sand/mud deposits to a thickness of more than three inches, the amount(s) that can be sanctioned to the petitioner, in terms of G.O.(Ms) No.579, Revenue and Disaster Management Department, Disaster Management Wing, DM.III(2) Section, dated 19.12.2023, shall be considered and such additional expenses for clearance of silt in the well shall also be considered by exercising discretion under the relevant heads,



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W.P.(MD) No.35320 of 2025

including under the head of relief for families whose livelihood is affected.

- iii. The first respondent shall determine the quantum of compensation payable and shall pass orders for payment of the same to the petitioner, as may be eligible, within the limits prescribed under the said Government Order.
- iv. No costs. Consequently, the connected Miscellaneous Petitions are closed.

26.03.2026

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Neutral Citation : No

To

- 1.The Chair Person cum District Collector,
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W.P.(MD) No.35320 of 2025

D.BHARATHA CHAKRAVARTHY, J.

JEN

W.P.(MD) No.35320 of 2025

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