



W.P.(MD)No.11281 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.11281 of 2021

K.Shanmugavel

... Petitioner

-VS-

1.The District Collector,
Sivagangai, Sivagangai District.

2.The Joint Director of Agriculture,
Office of the Joint Director of Agriculture,
Sivagangai.

3.The Manager,
ICICI Lombard General Insurance Company Ltd.,
First Floor, Northern Side,
Plot No.5, A.A.Towers,
S.S.Colony, By Pass Road, Madurai,
Madurai District.

4.The State Bank of India,
Manamadurai,
Through its Branch Manager

... Respondents

[R4 is *suo motu* impleaded vide order of this Court,
dated 08.07.2021]



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 01.05.2021 to consider and pass orders within the time fixed by this Court to release and pass orders within the time fixed by this Court to release the Crop Insurance for the period 2016-2017 and pass appropriate order within the time as stipulated by this Court.

For Petitioner : Mr.N.Tamilmani
For R1 and R2 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R3 : Mr.P.Pethu Rajesh
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to consider the representation made by the petitioner on 01.05.2021 and to release the Crop Insurance for the period 2016-2017, within the time prescribed by this Court.

2. When the matter was taken up for hearing today, the learned Additional Government Pleader relied upon Paragraph No.7 of the counter affidavit filed by the respondents 1 and 2 and for proper appreciation, the same is extracted hereunder:-

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"7. It is further submitted that as per the Government Order (Rt) No.301 dated on 21.09.2016, in Sivagangai District, the sugarcane crop had been notified for Rabi 2016-17 season and the scale of finance for sugarcane 2016-17 Rabi season had been fixed as Rs.46,000/- per acre and the farmer's share of premium was 3% of scale of finance of sugarcane. 2016-17 the claim percentage received for the petitioner's revenue Village "Vedhiyerandhal" of Manamadurai block for sugarcane 2016-17 crop is 20.39 percentage of sum insured / scale of finance which had been calculated based on the yield estimation by conducting crop cutting experiments in the notified insurance unit as per the operational guidelines of PMFBY.

The petitioner had insured 1.65.5 Hectares of sugarcane crop and the loss percentage declared for his revenue Village is 20.39% the eligible claim amount of Rs.45,223.83/- which had been received from ICICI Lombard as compensation had been credited into the petitioner's Bank account on 26.03.2021 and there is no pending claim settlement to the petitioner for 2016-17 sugarcane crop."

3. In view of the above, it is clear that a sum of Rs.45,223.83 has also been credited to the Bank account of the petitioner's mother, that was maintained with the fourth respondent/State Bank of India. It seems that the State Bank of India had settled only a sum of Rs.13,564/- to the petitioner.



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The State Bank of India, which was impleaded as fourth respondent in this Writ Petition, has taken the following stand in this regard.

"4. I submit that the writ petitioner's mother namely K.Theivanai was operating a Saving Bank Account in our branch in S.B.A/c No.20348761121. She was died on 18.10.2018. When she was alive, she had availed Kissan Cash Credit loan of Rs.53,000/- dated 12.05.2017 for the agricultural purpose. She failed to repay the loan properly. In the mean time she was submitted a Crop Insurance application before the 3rd respondent and she was paid a premium and issued our bank account details for crop insurance amount credit purpose.

5. I submit that the 3rd respondent credited a sum of Rs. 45,223.83 to the petitioner's mother's account on 26.03.2021. After knowing the said detail, the writ petitioner gave a letter on 27.04.2021 for withdrawal the said insurance amount. Our bank explained to the petitioner about the pending KCC loan which was availed by the petitioner's mother. The writ petitioner also agreed for closing the KCC loan outstanding amount of Rs.31,659/-. Our bank had settled the balance amount of Rs.13,564/- to the petitioner.

6. I submit that therefore the 3rd respondent already settled the crop insurance amount to the writ petitioner's mother. Hence the prayer of the writ petition is nothing survives. Therefore this Hon'ble



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Court record the above submissions made by our bank and close the writ petition."

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4. In view of the above, no further orders can be passed in this Writ Petition and accordingly, the same is hereby disposed of. No costs.

NCC : Yes/No
Index : Yes/No

18.10.2023

To

- 1.The District Collector,
Sivagangai, Sivagangai District.
- 2.The Joint Director of Agriculture,
Office of the Joint Director of Agriculture,
Sivagangai.
- 3.The Branch Manager,
State Bank of India,
Manamadurai.



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N.ANAND VENKATESH, J.

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