



W.P(MD)No.27939 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27939 of 2023

Chinnappan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Assistant Director,
Agricultural Department,
Devakottai,
Sivagangai District.

4.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

5.The Assistant Agriculture Officer,
Agricultural Department,
Devakottai,
Sivagangai District.

6.Arulanthu

... Respondents



W.P(MD)No.27939 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 5 to receive / accept the petitioner premium amount for the Prime Minister Crop Insurance Scheme on the basis of the petitioner's representation dated 11.11.2023.

For Petitioner : Mr.J.Karmega Kannan
For Respondent : Mr.S.Ra.Ramachandran
Additional Government Pleader for R1 to R5

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for R1 to R5. Issuance of notice to R6 is dispensed with.

2. The petitioner and the 6th respondent are half brothers. Their father Savarimuthu had two wives. The petitioner was born through the (*)Second wife, whereas the 6th respondent was born through the (*)first wife. The petitioner's mother had executed the settlement deed settling three items of property in favour of the petitioner. Patta is presently standing in the name of the petitioner. But the ground reality appears to be different. According to the report of the Tahsildar, Devakottai, the petitioner is in possession of Survey No.184/1F (0.18.00 ares) and Survey No.184/7D (0.07.00 ares), whereas the 6th respondent is in possession of Survey No.184/11B(0.04.00 ares). The learned Additional Government Pleader informs the Court that the scheme of crop insurance is based on Adangal entry. There is a dispute between the petitioner and the 6th respondent and the partition suit is also pending between them.



W.P(MD)No.27939 of 2023

WEB COPY

3. The petitioner through his counsel states that for the purpose of this writ petition and for the present fasili year alone, without prejudice to his other contentions, he would be satisfied if the crop insurance premium is received for Survey Nos.184/1F and 184/7D. Admittedly, patta is in the name of the petitioner. I am showing indulgence to the 6th respondent by calling upon the petitioner to limit his claim for the present. Since the Tahsildar report is also in favour of the petitioner in respect of the aforesaid two items, even though the last date has already expired, I felt inclined to grant relief at this stage. At this stage, the learned Additional Government Pleader pointed out that the last date had already expired on 22.11.2023 and the writ petition was filed only on 20.11.2023. In fact, the original cut off date was 22.11.2023. He also points out that the private insurance companies are not before the Court. These are matters that are governed by the requirements set out in the scheme introduced by the Central Government. The Central Government is also a party before this Court. I am therefore of the view that even if I give a direction that will lead only to complication as far as this fasli is concerned. From the fasili year 1434, the crop insurance premium will be accepted from the petitioner for the aforesaid two survey numbers. The fourth respondent is directed to inform the 6th respondent herein about this decision. If R6 has any grievance, it is



W.P(MD)No.27939 of 2023

WEB COPY

open to R6 to file MP before this Court for modification or recall of this order. Till the partition suit between the petitioner and the 6th respondent is concluded, the arrangement set out above shall continue.

4. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS III)

(*)Corrected as per order of this Court dated 02/09/2024 made in WP(MD)No. 27939 of 2023

Sd/-

Assistant Registrar (CO)

// True Copy //

/09/2024

Sub Assistant Registrar(CS)

rmi

To

(*)To be substituted the order which already despatched on 24/01/2024

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Assistant Director,
Agricultural Department,
Devakottai,
Sivagangai District.

<https://www.civildatas.com>



W.P(MD)No.27939 of 2023

4.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

5.The Assistant Agriculture Officer,
Agricultural Department,
Devakottai,
Sivagangai District.

W.P(MD)No.27939 of 2023

27.11.2023

MGJ(09.01.2024) 5P 6C

MGJ(03.09.2024) 5P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023