



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.5373 of 2018

and

W.M.P. (MD) No.5319 of 2018

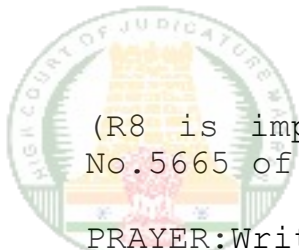
S.Chellaiah

... Petitioner

-Vs-

- 1.The District Collector,
Sivagangai District.
- 2.The Registrar of Co-operative Societies,
Chennai.
- 3.The Joint Director of Agriculture,
Agriculture Department,
O/o.The Joint Director of Agriculture,
Sivagangai District.
- 4.The Joint Registrar of Co-operative Societies,
O/o.The Joint Registrar of Co-operative Societies,
Sivagangai District.
- 5.The Managing Director,
Sivagangai District Central
Co-operative Bank Limited,
Sivagangai District.
- 6.N.N-569, Nattucheri Kalathur Primary Agriculture
Co-operative Credit Society,
through its Secretary,
Mithravayal Post, Sakkottai,
Karaikudi Taluk, Sivagangai District.
- 7.ICICI Lombard General Insurance Company Limited,
3rd Floor, Sottabei Centre,
140,Nungambakkam Road, Chennai.
- 8.United Insurance Company Limited,
Represented by its Branch Manager,
Bo: Sree Visalam Chit Fund Bldg.
463, V.O.C.Street, Karaikudi Town,
Sivagangai District.

... Respondents



(R8 is impleaded vide Court order dated 20.03.2018 in W.M.P.(MD) No.5665 of 2018)

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pay the crop insurance claim of Rs.2,14,643/- in respect of petitioner's lands in Kalathur Village, Karaikudi Taluk, Sivagangai District insured under the Pradhan Mantri Fasal Bima Yogna (PMFBY) scheme for RABI season 2016-2017 within the time prescribed by this Court.

For Petitioner : Mr.N.S.Karthikeyan,
For Mr.S.Veluchamy
For R1 to R4 and R6 : Mr.M.Rajarajan,
Government Advocate.
For R5 : Mr.D.Shanmugaraja Sethupathi
For R7 : Mr.K.Muthukamatchi
For R8 : Mr.G.Prabhu Rajadurai

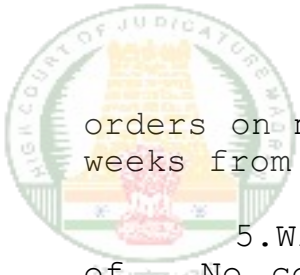
ORDER

According to the petitioner, he is an agriculturist, and he also insured his crops with the 5th and 7th respondents Insurance Company through co-operative society, and also nationalised bank in the month of November, 2016. Due to drought, the entire crops have been damaged. Hence, the District Collector has sent a recommendation to the Insurance Companies to pay compensation. Despite the same, no compensation has been paid. The petitioner also filed representation to the authorities. But, no order has been passed, hence, the present writ petition has been filed.

2.The learned Government Advocate for the respondents 1 to 4 and 6 submitted that earlier a joint meeting was conducted by the District Collector, wherein it was found that there are some mistakes in the report submitted by the authorities regarding the payment of premium. Even though the agriculturists paid premium in the month of November, 2016, it has been wrongly mentioned as December, 2016. In such circumstances, the Insurance Company refused to give compensation to the petitioner. Subsequently, it was also clarified in the above said meeting, and all the agriculturists were directed to submit a representation along with the receipt for payment of premium to the Insurance Company, and on submitting such payment receipt, the Insurance Company was directed to consider the same.

3.The learned counsel for the petitioner submitted that already the petitioner sent representation along with the receipt for payment of premium. But, so far no order has been passed.

4.In the above circumstances, considering the facts and circumstances of the case, without going into the merits of the case, as already the petitioner said to have been filed representation along with the receipt for payment of premium in the month of November, 2016, the Insurance Company is directed to consider the representation of the petitioner, and pass suitable



orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (T&P)
/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District.
 2. The Registrar of Co-operative Societies,
Chennai.
 3. The Joint Director of Agriculture,
Agriculture Department,
O/o. The Joint Director of Agriculture,
Sivagangai District.
 4. The Joint Registrar of Co-operative Societies,
O/o. The Joint Registrar of Co-operative Societies,
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 5. N.N-569, Nattucheri Kalathur Primary Agriculture
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 6. ICICI Lombard General Insurance Company Limited,
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 7. United Insurance Company Limited,
Represented by its Branch Manager,
Bo: Sree Visalam Chit Fund Bldg.
463, V.O.C. Street, Karaikudi Town,
Sivagangai District.
- +1cc to Mr. K.K. RAMAKRISHNAN, Advocate, SR.No. 56901
+1cc to Mr. S. VELUCHAMY, Advocate, SR.No. 57066

W.P (MD) No. 5373 of 2018
20.03.2018

MYR