



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.14908 of 2018

Senthilkumar

... Petitioner

vs.

1. The District Collector
Tirunelveli, Tirunelveli District
2. The Joint Director
Central Cooperative Bank
Tirunelveli
3. The Secretary
Tirunelveli Special 40 Kalingapatti
Primary Agricultural Cooperative
Credit Society Ltd.,
Kalingapatti, Tirunelveli District
4. The Manager
ICICI Lombard General
Insurance Company Ltd.,
Tirunelveli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to pay the proper amount of compensation for the crops (Maize) insured with the fourth respondent for the period of 2016-2017 to the petitioner as per the petitioner's premium amount within a stipulated time.

For Petitioner : Mr.J.C.Rathinavel Pandian

For Respondents : Mr.J.Gunaseelan Muthiah

Additional Government Pleader for R1 & R2

Mr.D.Shanmugarajasethupathy for R3

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents 1 and 2 and Mr.D.Shanmugarajasethupathy, learned counsel, takes notice for the third respondent. Notice to the fourth respondent is dispensed with in view of nature of the order to be passed by this Court.



2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 12.04.2018 seeking for payment of compensation for the crops (Maize) insured with the fourth respondent for the period of 2016-2017, has not been considered by the respondents till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioner's representation dated 12.04.2018 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Joint Director,
Central Cooperative Bank,
Tirunelveli.

+ 1 CC TO Mr.J.C.RATHINAVEL PANDIAN, ADVOCATE IN SR No. 72207
+ 1 CC TO Mr.D.SHANMUGA RAJA SETHUPATHI, ADVOCATE IN SR No. 72478
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 72552

KRK

TE/SV/SAR-3 : 27/07/2018 : 2P/6C

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