

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 23749 of 2018

and

W.M.P. Nos. 27702 and 27703 of 2018

S.Senapathi

... Petitioner

Vs.

1. The State
Rep. by its Assistant Director Agriculture,
Government of Tamil Nadu,
St.George Fort,
Chennai - 600 009.
 2. Joint Director of Agriculture,
Office of Joint Director-Agriculture,
5th Floor, Office of District Collector,
Tiruppur District.
 3. Assistant Director of Agriculture,
Dharapuram,
Tiruppur District.
 4. The Agriculture Insurance Company of India Limited,
Old No.156, New No.323,
Andhra Insurance Building 1st Floor,
Thambu Chetty Street,
Chennai - 600 001.
 5. The Chief Grievance Redressal Officer,
Agricultural Insurance Company,
Registered Office,
13th Floor, Ambadeep Building,
14, Kasturba Gandhi Marg,
New Delhi - 110 001.
- ... Respondents

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of letter Ref. No. 8457/2018 dated 28.06.2018 from the 4th Respondent and quash the same and consequently direct the 4th Respondent to honour the Petitioner claim.

For Petitioner : M/s.Kanimozhi Mathi

For Respondents : Mr. M. Karthikeyan [For R1 to R3]
Additional Government Pleader
Mr. PS. Kothandaraman [For R4]
No appearance [For R5]

O R D E R

The Fourth Respondent has filed a report dated 04.06.2019 in compliance of the earlier orders dated 26.09.2018 and 29.04.2019 passed by this Court, in which it has been stated that after verifying the field condition and factual position of the rainfall pattern in Dharapuram Block, it has been found that there has not been any occurrence of drought as claimed by the Petitioner during the reported period of loss of trees during the year 2017.

2. When it is pointed out that in the light of the aforesaid report of the Fourth Respondent, which falls under the realm of disputed question of facts, the matter has to be decided after recording of evidence of the parties on their rival contentions and could not be redressed by invoking the public law remedy following summary procedure under Article 226 of the Constitution, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to work out the remedy before the competent forum and she has made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

maya/vjt

To

1. The Assistant Director Agriculture,
Government of Tamil Nadu,
St. George Fort,
Chennai - 600 009.

2. Joint Director of Agriculture,
Office of Joint Director-Agriculture,
5th Floor, Office of District Collector,
Tiruppur District.

3. Assistant Director of Agriculture,
Dharapuram,
Tiruppur District.

+1 cc to M/s.Kanimozhi, Advocate, S.R.No.53361

+1 cc to M/s.P.S.Kothandaraman, Advocate, S.R.No.53299

W.P. No. 23749 of 2018

VGI (CO)
SSM(24/07/2019).



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