



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM:

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

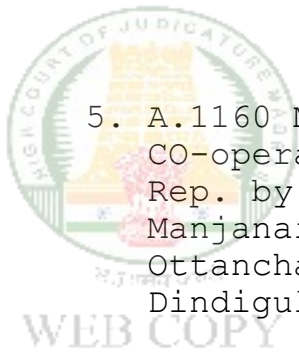
W.P. (MD) No.18125 of 2020

- 1.C.Thirupathi
- 2.P.Naryanasamy
- 3.K.Natarajan
- 4.K.Naryanasamy
- 5.S.Eswaran
- 6.N.Deivanayagi
- 7.N.Murugesan
- 8.M.Muthathaal
- 9.R.Sundarraaj
- 10.N.Ravichandran
- 11.P.Masilamani
- 12.P.Murugesan
- 13.K.Mayilathal
- 14.S.Pon Malaichamy
- 15.K.Kaliappan

... Petitioners

Vs.

1. The District Collector,
Office of District Collectorate,
Dindigul District,
Dindigul.
2. The Agriculture Insurance Company of India Ltd.,
Rep. by its Senior Regional Manager,
1st Floor, Andhra Insurance Building,
Old No.156/New No.323,
Thambu Chetty Street,
Parrys Corner, Chennai - 600 001.
3. The Registrar of Co-operative Societies,
Office at No.170,
N.V.Natarajan Maligai,
Periyar E.V.R.High Road,
Keelpakkam, Chennai - 600 010.
4. The Assistant Director of Agriculture,
O/o. The Assistant Director of Agriculture,
Thoppampatti,
Dindigul District.



5. A.1160 Manjanaickanpatti Primary Agricultural
CO-operative Credit Society,
Rep. by its Secretary,
Manjanaickenpatti,
Ottanchathiram Taluk,
Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 5 to credit the crop insurance amount payable under (Pradhan Mantri Fasal Bima Yojana Scheme) to the petitioners for the year 2016-2017 in their respective bank accounts within the time period stipulated by this Court.

For petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Karthik for R1, R3 and R4
Government Advocate

Mr.D.Srinivasa Ragavan for R2
Standing Counsel

Mr.P.Mahendran for R5
Additional Government Pleader

O R D E R

Mr.A.Karthik, learned Government Advocate accepts notice for the respondents 1, 3 and 5, Mr.D.Srinivasa Ragavan, learned Standing Counsel accepts notice for the respondent No.2 and Mr.P.Mahendran, learned Additional Government Pleader accepts notice for the respondent No.5. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed seeking for a Mandamus to direct the respondents, more particularly, the first respondent to credit the crop insurance amount allegedly payable to the petitioners in their respective bank accounts.

3. It is the case of the petitioners that, they are agriculturalists, holding lands for doing agriculture in Dindigul District. According to them, the second respondent is the Authority, issuing crop insurance under the Pradhan Mantri Fasal Bima Yojana (hereinafter referred as 'PMFBY' Scheme) introduced by the Central Government. According to the petitioners, as per the PMFBY Scheme, the insurance premiums have to be paid through the local Cooperative Societies.

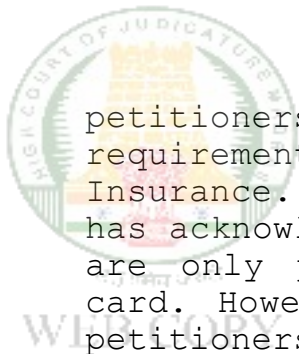


4. The petitioners are the members of the local Cooperative Society. As per the PMFBY Scheme, the petitioners have paid their respective premium amount towards crop insurance for their respective lands, through A.1160 Manjanaickanpatti Primary Agriculture Co-operative Society at Manjanaickenpatti, Ottanchathiram Taluk, for the year 2017-18. As per the said PMFBY Scheme, the concerned Co-operative Society will send the details of the persons paying the insurance premium to the second respondent. The insurance amount will be paid, if the Government announces a particular period as a drought year. According to the petitioners, the year 2017-18 was announced as a drought year and therefore, he was expecting the insurance amount from the second respondent to be credited into his bank account.

5. According to the petitioners, they had sent representations on 06.05.2019 and 04.12.2019, requesting to credit the crop insurance amount payable under PMFBY Scheme to the petitioners for the year 2016-2017 in their respective bank accounts. But, till date they did not get any response from the respondents. But, the second respondent requested the first petitioner through mobile phone to furnish the payment receipts and other required documents. Since the petitioners were unable to produce the same on time, the second respondent through his proceedings in Ka.No.A5/2020-2021 dated 08.10.2020 passed an order. Therefore, the petitioners again made representations on 29.10.2020, along with the copy of the documents as required. But, the same is pending till date. In such circumstances, the petitioners have filed this writ petition seeking for a positive direction from the first respondent for disbursement of the Crop Insurance to him.

6. A positive direction sought for by the petitioners cannot be granted by this Court at this stage. In the reply, dated 08.10.2020, the second respondent has not rejected the application. They have only stated that the petitioners have not submitted the required documents as well as the payment receipts. However, as seen from the typed set of papers filed before this Court, both the requirements seem to have been duly fulfilled by the petitioners. In such circumstances, the second respondent will have to definitely grant the Crop Insurance to the petitioners, since the petitioners have satisfied all their requirements, as stated in the reply, dated 08.10.2020. The only thing they need to verify is, whether the documents submitted by the petitioners before this Court, which have been discussed in the earlier paragraphs of this order, are genuine or not. If they are found to be genuine, the petitioners are certainly entitled to obtain the Crop Insurance payment from the second respondent.

7. No prejudice will be caused to the second respondent if a direction is given by this Court to the respondent to consider the application for Crop Insurance made by the petitioners, after giving due consideration to the documents, which have been filed by the



petitioners in this writ petition, which seems to have satisfied the requirements of the second respondent for the grant of Crop Insurance. Even the second respondent in his reply, dated 08.10.2020 has acknowledged that the documents not submitted by the petitioners are only payment receipts, Copies of Chitta, Adangal and Adhaar card. However, as seen from the typed set of papers filed by the petitioners before this Court, the same seems to have been satisfied by the petitioner. If the petitioners have satisfied all the requirements necessary for getting the Crop Insurance payment under the PMFYB Scheme, the second respondent will have to necessarily disburse the insurance amount to the petitioners to their respective nominated bank accounts.

8. For the foregoing reasons, this Court directs the respondents to grant the crop insurance amount for the petitioners' respective agricultural lands, measuring an extent of 46.6 acres situated in Dindigul District, after verification of the documents they have produced, as regards the eligibility of the petitioners to avail the Crop Insurance amount under the PMFBY Scheme. If the second respondent is satisfied with the same, they shall disburse the Crop Insurance amount to the petitioners within a period of eight(08) weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

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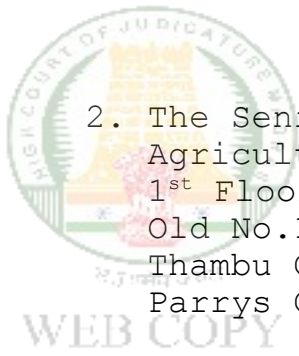
Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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Office of District Collectorate,
Dindigul District,
Dindigul.



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Agriculture Insurance Company of India Ltd.,
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5. The Secretary,
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CO-operative Credit Society,
Manjanaickenpatti,
Ottanchathiram Taluk,
Dindigul District.

+1cc to Mr.T.Lajapathi Roy, Advocate, SR.No.25031.
+1cc to the SPL GP SR No.25104.

Order made in
W.P. (MD) No.18125 of 2020

Dated:
10.12.2020

SJ(CO)
CS(06.01.2021) 5P 8C