



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.12807 of 2015

S.Meenakshi

.. Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies,
Ramanathapuram,
Ramanathapuram District.

2.The President,
Pookkulam Primary Agricultural Co-operative Society,
Mudukulathoor Taluk,
Ramanathapuram District.

3.The Secretary,
Pookkulam Primary Agricultural Co-operative Society,
Mudukulathoor Taluk,
Ramanathapuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to disburse the Crop Insurance amount of Rs.74,914/- to the petitioner with interest at the rate of 18% per annum from October 2009 to till the date of its realization within a time limit as fixed by this Court.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.A.Muthukaruppan for R1
Additional Government Pleader
Mr.Aayiram K.Selvakumar for R2 and R3
Additional Government Pleader

ORDER

This writ petition is filed for issuing Writ of Mandamus, directing the respondents to disburse the Crop Insurance amount of Rs.74,914/- to the petitioner with interest at the rate of 18% per annum from October 2009 to till the date of its realization within a time limit as fixed by this Court.



2.The petitioner states that she and her family depends upon agriculture and that she is cultivating more than 25 acres of land in her Village. It is the case of the petitioner that she has registered herself in the Crop Insurance Scheme introduced by the State so as to get compensation for the loss incurred by the petitioner, if it is due to the failure of monsoon.

3.It is the specific case of the petitioner that as a member of the scheme she paid premium for the year 2009 and insured her crops for 2009. It is the case that due to shortage of rain, paddy crops raised by the petitioner in her lands did not give any yield and she relies upon the declaration of the Government declaring the area as hit by drought. The petitioner's further claim is that the Government of Tamilnadu has sanctioned a sum of Rs.74,914/- in favour of the petitioner towards compensation for failure of crops in 2009. Since the third respondent even after receiving the amount had not settled the amount, the petitioner after submitting several representation has come to this Court with the present writ petition.

4.The learned counsel appearing for the respondents 2 and 3 admits that several irregularities were found in relation to the disbursement of compensation to the farmers and several fake claims had been found. The learned counsel himself produced before this Court, the Certificate of Village Administrative Officer to the effect that the Adangal extract alleged to have been obtained in relation to several farmers was never given by him and his signature is forged. The petitioner's name is also found in the list of names who produced the forged adangal to enable the authorities to consider the petitioner's claim to give compensation to her, on account of failure of monsoon.

5.The learned counsel appearing for the petitioner himself admits that the list of beneficiaries who are shown as eligible to get compensation has been scraped after holding enquiry and therefore, the petitioner is not eligible to get any amount on the basis of the list. In the said circumstances, the learned counsel appearing for respondent No.2 also states that the petitioner is not eligible to get any amount relying upon the list produced by the petitioner. Based on the submissions of learned counsel on either side, this Court is of the view that the petitioner is not entitled to any compensation on the basis of the list furnished by her.

6.In case the petitioner wants to make any independent claim and to prove that she cultivated the land during the year 2009 and suffered a loss on account of failure of monsoon, it is open to the petitioner to make a fresh representation. On such representation being submitted by the petitioner within a period of two weeks from the date of receipt of a copy of this order, the respondents shall independently consider and pass orders on merits and in accordance with law within in 12 weeks from the date of receipt of such



7. With the above directions, this writ petition is dismissed.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (Records)

/ /2020

Sub Assistant Registrar(CS)

TM

To

1. The Joint Registrar of Co-operative Societies,
Ramanathapuram, Ramanathapuram District.

2. The President,
Pookkulam Primary Agricultural Co-operative Society,
Mudukulathoor Taluk, Ramanathapuram District.

3. The Secretary,
Pookkulam Primary Agricultural Co-operative Society,
Mudukulathoor Taluk,
Ramanathapuram District.

+1 CC to Mr. AAYIRAM K. SELVAKUMAR, Advocate (SR-4963[F] dated
06/02/2020)

+1 CC to SPL GP (SR-5399[F] dated 10/02/2020)

+1 CC to Mr. P. GUNASEKARAN, Advocate (SR-5466[F] dated 10/02/2020)

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