

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.13956 of 2019

- 1.K.Karmegam
- 2.Kamaladevi
- 3.Narayanasamy
- 4.Jayanthi
- 5.Durai
- 6.Vani
- 7.Chandramohan
- 8.Thirumalarselvu
- 9.Sudha
- 10.Balachandran
- 11.Balasubramanian
- 12.Parimalaselvan
- 13.Manimegalai
- 14.Kalaiarasan
- 15.Paramanandam
- 16.Kamaraj
- 17.Ayyappan
- 18.Shanmugam
- 19.Latha
- 20.Ramalingam
- 21.Karunanidhi
- 22.Sumathi

...Petitioners

Vs.

- 1.The District Collector,
The Nagapattinam District.
- 2.The Revenue Divisional Officer,
Nagapattinam,
Nagapattinam District.
- 3.The New India Assurance Co. Ltd.,
Rep. by its Senior Regional Manager,
Nagapattinam.
Nagapattinam District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus directing the third respondent to implement the proceeding dated 21.11.2017 passed by the second respondent.

For Petitioners

:Mr.A.S.Baalaji

For Respondents 1 & 2

:Mr.V.Shanmuga Sundar

Special Government Pleader

For Respondent 3 :Ms.Janani
for Mr.J.Chandran

O R D E R

This writ petition has been filed seeking for a direction to the third respondent to implement the proceedings of the second respondent dated 21.11.2017 wherein the second respondent has directed the third respondent to disburse 100% of the amount payable to the farmers of Nagapattinam, Palaiyur, Tethi and Vadakudi under the Agricultural Crop Insurance Scheme issued by the Government in the year 2016-17.

2. It is the case of the petitioners that they are farmers belonging to Palaiyur village and during the year 2016-17, they were badly hit due to heavy rain and their agricultural lands were partially destroyed. They have approached the third respondent under the Agricultural Crop Insurance Scheme introduced by the Government in the year 2016-17 for the crop insurance amount in respect of their destroyed farms. It is the case of the petitioners that only partial amounts were paid to them and the balance amount was not paid under the Agricultural Crop Insurance Scheme. It is also their case that the second respondent in its proceedings dated 21.11.2017 has directed the third respondent insurance company to settle 100% amount to the farmers belonging to several villages which includes the village where the petitioners belong. It is also their case that despite direction given by the second respondent, the third respondent failed to disburse the full amount. In such circumstances, this writ petition has been filed.

3. Heard Mr.A.S.Baalaji, learned counsel for the petitioners, Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents 1 & 2 and Ms.Janani, learned counsel representing Mr.J.Chandran, learned counsel for the third respondent.

4. The respondents have also filed counter in this writ petition.

5. The contention of the first and second respondents is that it is the responsibility of the third respondent to disburse the crop insurance amount and therefore, they are not liable to pay the said amount to the petitioners.

6. The third respondent in their counter affidavit has admitted that the amounts were disbursed to various farmers who were badly affected by flood during the year 2016-17. However, in the counter affidavit, it is not disclosed as to how much

amount was paid to the farmers and whether 100% amount under the scheme was disbursed to them or not.

7. It is the contention of the petitioners that only 42% of the crop insurance amount was disbursed to them and the remaining 58% has not been disbursed. It is also the contention of the petitioners that despite recommendation of the second respondent through its proceedings dated 21.11.2017 that 100% will have to be disbursed, the third respondent has not disbursed the said amount to the petitioners till date.

8. The counter affidavit filed by the third respondent before this Court is also vague. It does not disclose how much amount the petitioners have received under the Agricultural Crop Insurance Scheme introduced by the Government for the year 2016-17. This being the case, this Court is of the considered view that the third respondent will have to consider the petitioners' request for payment of the balance crop insurance amount under the Agricultural Crop Insurance Scheme introduced by the Government for the year 2016-17 on merits and in accordance with law. For this purpose, the petitioners will have to give a fresh representation to the third respondent seeking for disbursement of balance amount which according to them is due and payable under the Agricultural Crop Insurance Scheme introduced by the Government for the year 2016-17 in respect of their agricultural lands which were destroyed during the said period due to the incessant rains.

9. For the foregoing reasons, this court directs the petitioners to submit a fresh representation to the third respondent seeking for disbursement of the balance amount which according to them is due and payable by the third respondent under the Agricultural Crop Insurance Scheme introduced by the Government for the year 2016-17 within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the said representation from the petitioners, the third respondent shall consider the same and pass final orders on merits and in accordance with law within a period of six weeks thereafter.

10. With the aforesaid direction, this writ petition is disposed of. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
The Nagapattinam District.

2.The Revenue Divisional Officer,
Nagapattinam,
Nagapattinam District.

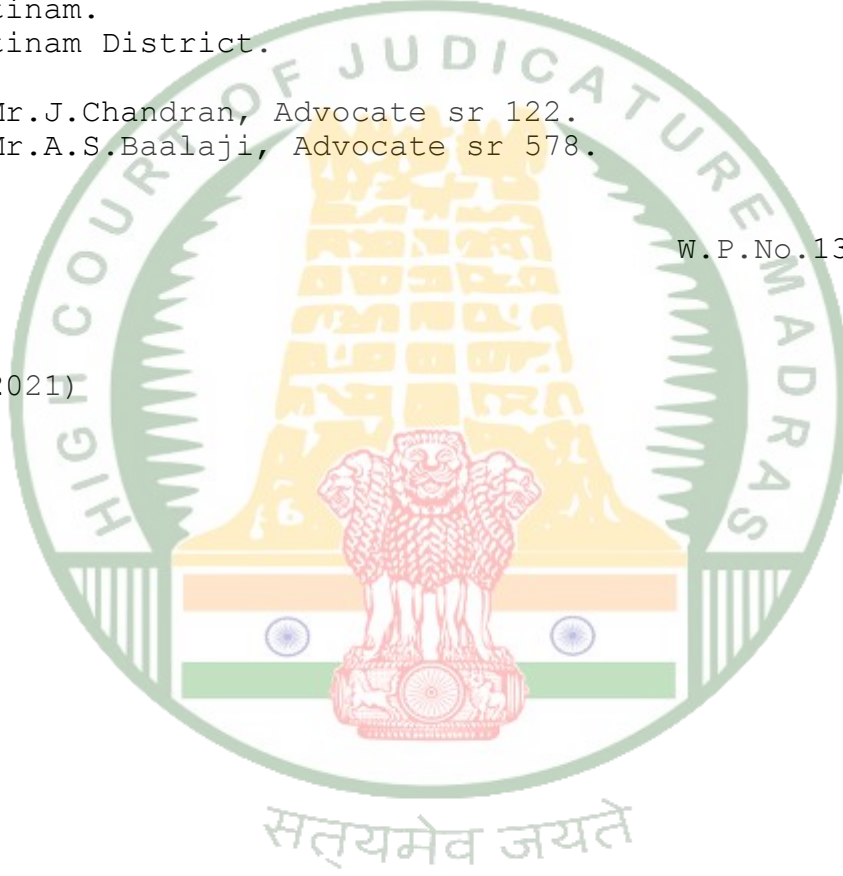
3.The Senior Regional Manager,
New India Assurance Co. Ltd.,
Nagapattinam.
Nagapattinam District.

+1 CC to Mr.J.Chandran, Advocate sr 122.

+1 CC to Mr.A.S.Baalaji, Advocate sr 578.

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SSD(CO)
SP(21/01/2021)



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