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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24660 of 2016

1. K.Shankar

2. Tmt.D.Navamani

...Petitioners

Vs

1. The Chief Manager,
Dena Bank,
No.27, GNT Road,
Gummudipoondi.

2. The Agricultural Insurance Company of India,
1st Floor, Andhra Insurance Building,
166/323, Thambu Chetty Street,
Chennai - 600 001.

3. The District Collector,
Thiruvallur District,
Thiruvallur.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to make the payment of crop damages and loss within a specified period.

For Petitioners : M/s.Sasikala

For Respondents : No appearnace [For R1]

Mr.Su.Srinivasan [For R2]

Mr.K.M.D.Muhilan
Government Advocate
[For R3]



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ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to make payment of crop damages based on the Insurance Scheme.

2. The learned counsel for the petitioner made a submission that the petitioner has paid the premium amount and there were damages of crops. Thus, the petitioner is constrained to move the present writ petition.

3. Terms and conditions of the Insurance Policy cannot be adjudicated in a writ proceedings. It is a contractual obligation between the parties. The petitioner has paid the premium amount and agreed to abide by the terms and conditions of the Insurance Policy. Thus, in the event of any violation on either of the parties, the issues are to be restored by way of an adjudication based on the documents and through oral evidences. Such an exercise cannot be done in a writ proceedings by the High Court. The damages cannot be quantified without taking evidences and therefore, the petitioner is at liberty to approach the competent Forum for the purpose of adjudication of issues and for quantification of damages, if the petitioner is otherwise entitled.

4. With these liberty the writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1. The Chief Manager,
Dena Bank,
No.27, GNT Road,
Gummudipoondi.
2. The Agricultural Insurance Company of India,
1st Floor, Andhra Insurance Building,
166/323, Thambu Chetty Street,
Chennai - 600 001.



3. The District Collector,
Thiruvallur District,
Thiruvallur.

+1CC to Mr.Su.Srinivasan, Advocate, Sr.No.54093

+1CC to M/s.S.Sasikala, Advocate, Sr.No.53996

+1CC to Mr.Government Pleader, Sr.No.54634

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NR (CO)

K.RK. (02.11.2021)