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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33236 of 2019

and

W.M.P.No.33695 of 2019

1. M.E.Sahabudeen

2. T.Selvam

... Petitioners

Vs.

1. The Director of Agriculture,
Chepauk,
Chennai - 600 005.

2. The Regional Manager,
The New India Assurance Company Ltd,
No.770-A, Anna Salai,
Chennai - 600 002.

3. The Deputy Registrar of Co-operative Societies,
Nagappatinam Circle,
Nagappatinam District.

4. The Secretary,
Z719, Thittacheri Primary Agricultural
Co-operative Credit Society Ltd,
Purakiramam - 609 703.
Nagappatinam Taluk & District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ in the nature of writ or direction, directing the second respondent to disburse the 100% compensation payable towards the crop insurance amount for the year 2016-17 Paddy-II, in respect of Eravanchery Village, Thirumarugal Firka & Block Nagappatinam District under the "PRADHAN MANTRI FASAL BIMA YOJANA" (PMFBY) Scheme in terms of the orders passed by the first respondent in Letter No.G1/117340/2017 dated 21.01.2019.



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For Petitioner : Mr.S.Kamadevan
For Respondent 1 and 3 : Mr.U.Bharanidharan
Government Advocate
For Respondent 2 : M/s.R.Janani

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to disburse the 100% compensation payable towards the crop insurance amount for the year 2016-17 Paddy-II, in respect of Eravanchery Village, ThirumarugalFirka& Block Nagappatinam District under the "PRADHAN MANTRI FASAL BIMA YOJANA' (PMFBY) Scheme in terms of the orders passed by the first respondent in Letter No.G1/117340/2017 dated 21.01.2019.

2. The case of the petitioners is that the petitioners are the members of the 4th respondent society and were doing cultivation to the extent of 1.935 hectares and 2.190 hectares respectively at Eravanchery village, ThirumarugalFirka, Nagappatinam Taluk and District and registered as the beneficiaries under "PRADHAN MANTRI FASAL BIMA YOJANA' (PMFBY) Scheme during the year 2016-2017 and also have paid the premium amount. Due to natural calamities took place in the year 2016, the team visited the Nagapattinam District and assessed the damage and it was assessed as 100 percent damage and the farmers who are members of both the Co-operative societies are entitled to get the entire policy amount insured as compensation/damages.

3. It is further submitted that the farmers who enrolled as members of the Primary Agricultural Co-operative Credit Society got 100 percent insurance amount, whereas the member enrolled in the 4th respondent society got only 31.47 percent of the policy amount as damage/compensation. Hence, the first petitioner made representation to the first respondent and the first respondent directed the second respondent to look into the issue and take necessary action. Though the orders were passed on 21/01/2019, no action was taken by the second respondent till date and the 4th respondent society is having the list of the members along with the insurance coverage details. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it



would suffice, if this Court issues direction to the second respondent to consider the order passed on 21.01.2019 and to pass appropriate orders.

5.The learned counsel appearing for the respondent submitted that the respondent will consider and pass orders on the representation of the petitioner within the time stipulated by this Court.

6. Heard the arguments advanced on either side.

7.Considering the limited request made by the learned counsel appearing for the petitioner, without going into the merits of the contention, I am inclined to issue direction to the respondents to consider the petitioner's representation and the order dated 21.01.2019, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

8.With the above direction, this writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Director of Agriculture,
Chepauk,
Chennai - 600 005.
2. The Regional Manager,
The New India Assurance Company Ltd,
No.770-A, Anna Salai,
Chennai - 600 002.
3. The Deputy Registrar of Co-operative Societies,
Nagappatinam Circle,
Nagappatinam District.



4. The Secretary,
Z719, Thittacheri Primary Agricultural
Co-operative Credit Society Ltd,
Purakiramam - 609 703.
Nagappatinam Taluk & District.

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+1cc to M/s.J.Chandran, Advocate, S.R.No.57526

+1cc to the Government Pleader, S.R.No.57624

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KSM(CO)
SU(13/12/2021)