



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 15.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.7603 of 2021
(Through Video Conferencing)

V.Valarmathi

... Petitioner

Vs.

1.The District Collector
Madurai Collector Office,
Madurai District

2.The Regional Manager,
Agriculture Insurance Company of India Ltd.,
323 Thambu Chetty Street, Parry's corner,
Chennai 600 001.

3.The Branch Manager,
The Madurai District Central Cooperative Bank Ltd.,
Melur Branch
Madurai District

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to release the arrear insurance amount of Rs.1,17,049/- to the petitioner according to the insurance premium amount paid by the petitioner within a stipulated time by considering the petitioner's representations dated 27.07.2017 and 24.02.2021.

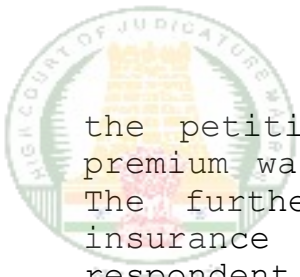
For Petitioner : Mr.S.Arunnithy
For Respondents : Mr.M.Lingadurai for R1 & R3
Government Advocate (Civil)

Mr.D.Srinivasaraghavan for R2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to release the arrears of insurance amount of Rs.1,17,049/- to the petitioner by considering the representations made by the petitioner on 27.07.2017 and 24.02.2021.

2. The case of the petitioner is that she has availed of the insurance scheme provided by the second respondent. According to



the petitioner, the third respondent is the nodal bank and the premium was paid to the second respondent through the nodal bank. The further case of the petitioner is that she has paid the insurance premium of Rs.1,817/- on 21.11.2016 to the third respondent and she has also been certified by the Village Administrative Officer to be qualified under the Prathan Manthiri Fasal Bima Yojana (PMFBY).

3. It is stated that the petitioner is eligible to get an insurance amount of Rs.1,26,000/- for the year 2016 in view of the loss sustained by the petitioner due to drought conditions and only a sum of Rs.8,951/- was credited in her account and the balance amount of Rs.1,17,049/- was not paid. In spite of representations made, there was no response and left with no other alternative, the present writ petition has been filed before this Court seeking for appropriate directions.

4. The learned counsel appearing on behalf of the second respondent, based on the written instructions received from the Deputy Manager of the second respondent Insurance company, submitted that the eligible claim amount was settled to the third respondent nodal bank in two installments ie, a sum of Rs.63,764,729.69/- on 29.06.2017 and a sum of Rs.15,821,145.07/- on 11.10.2017. The learned counsel further submitted that since the entire eligible claim amount has been settled to the third respondent nodal bank, the petitioner has to work out her remedy only before the third respondent.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Civil) for the respondents 1 and 3 and the learned standing counsel for the second respondent bank.

6. The second respondent has taken a very specific stand that the entire eligible amount has been settled in two installments to the third respondent nodal bank. In view of the same, the petitioner has to necessarily approach the third respondent seeking for the payment of the balance insurance amount of a sum of Rs.1,17,049/-. This is due to the fact that the nodal bank is the one which has to now consider the claim of the petitioner and settle the amount.

7. In view of the above, the petitioner is directed to make a fresh representation to the third respondent along with all the relevant documents and also a copy of this order. The third respondent, on receipt of the same, shall consider the claim of the petitioner for the balance insurance amount of Rs.1,17,049/- and take a decision within a period of two weeks from the date of receipt of the representation from the petitioner.



8. The writ petition is disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar(CS-III)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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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Madurai District

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-19367[F] dated 16/06/2021)

+1 CC to M/s.S.ARUNNITHY, Advocate (SR-19494[F] dated 17/06/2021)

+1 CC to M/s.SPL GP (SR-19519[F] dated 17/06/2021)

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15.06.2021

DKS(CO)

TR(07.07.2021) 3P 7C