



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.4259 of 2019

R.M.Karthikeyan

.. Petitioner

Vs

1. The District Collector,
Pudukottai District,
Pudukottai.

2. The Joint Director of Agriculture Department,
Office of Joint Director,
Near Bus Stand, Pudukottai.

3. The Assistant Director of Agriculture Department,
Mookudi Road, Aranthangi,
Pudukottai District.

4. The Regional Manager,
PMFBY (Pudukottai),
The New India Assurance Co Ltd.,
Regional Office, Spencer Tower,
3rd floor, 770A, Anna Salai,
Chennai - 600 002.

5. The Manager,
The New India Assurance Co Ltd.,
TS.3548/2 3549/2,
South Masi Street,
P.P.K.Complex, First floor,
Pudukottai - 622 001.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 4 and 5 to disburse crop insurance claim equally to Ekapperumamlur Revenue Village by calculating the claim as 100% (Loss), totally to the extent of 615 acre Agriculture land have been insured by the people in Ekapperumamlur Revenue Village, for the year 2017-2018 as per the proceedings of the first respondent in Letter No.The.7/115/2018 dated 24.01.2019.



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For Petitioner

: Mr.J.Jeyakumaran

For respondents

: Mr.K.P.Krishnadoss
Special Government Pleader
for R1 to R3
Mr.G.Prabhu Rajadurai
for R4 and R5

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.J.Jeyakumaran, learned Counsel appearing for the petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.G.Prabhu Rajadurai, learned Counsel appearing for the respondents 4 and 5.

2. With the consent of either side, this writ petition is taken up for final disposal.

3. In an earlier batch of case in W.P(MD).No.2805 of 2016, dated 15.03.2021, the Hon'ble Division Bench of this Court has directed the parties, who sought for similar relief, to approach the District Level Committee and based on the recommendation, the insurance company was directed to settle the claim.

4. In the instant case, that procedure need not be adopted for the reason that the District Collector has already enquired into the matter and has forwarded the recommendation by letter dated 24.01.2019 to the Government. The copies marked to the Agricultural Department as well as the respondent-Insurance company. The petitioner's claim is in respect of Ekapperumamlur Revenue Village, Aranthangi Taluk and according to the said report, the damage was 100%.

5. The learned Counsel for the respondent-Insurance company submitted that the proceedings of the Collector is the recommendation to the Government and it has not been addressed to the insurance company. It may be true that the communication has not been addressed to the insurance company, but the copy has been marked to the respondent-Insurance company. Therefore, the insurance company can very well consider the report of the District Collector and process the crop insurance claim.

6. Accordingly, the writ petition stands disposed of, by directing the respondents 4 and 5 to consider the report submitted by the District Collector, dated 24.01.2019, and process the claim made by the petitioner and disburse the crop insurance in accordance



with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

pkn

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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+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-17056[F] dated 22/04/2021)

+1 CC to M/s.SPL GP (SR-17136[F] dated 22/04/2021)

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21.04.2021

RK(11.05.2021) 3P 8C