



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16962 of 2020

and

W.M.P. (MD)No.14184 of 2020

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V.Marimuthu

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildhar,
Kadaladi Taluk,
Kadaladi,
Ramanathapuram District.

3.Village Administrative Officer,
S.Vagaikulam Group - Office at Sayalkudi,
Kadaladi Taluk, Ramanathapuram District.

4.The Secretary,
Pillaiyarkulam Primary Agricultural Co-operative
Credit Society, Pillaiyarkulam (Post),
Kadaladi Taluk, Ramanathapuram District.

5.S.Amutha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd and 3rd respondents to issue Adangal Form under the Revamped Prime Minister Crop Insurance Scheme to petitioner and direct the 4th respondent to register the petitioner's crop insurance application for the year 2020-21 within the time frame.

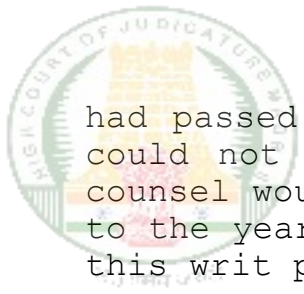
For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.C.Ramar,
Additional Govt Pleader for R1 to R4
No appearance for R5

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 4. Though the fifth respondent has been served and her name is also printed in the cause list, there is no appearance on her behalf.

2.The petitioner seeks issuance of Adangal Form under the Revamped Prime Minister Crop Insurance Scheme. In fact, the petitioner had earlier filed W.P. (MD)No.24012 of 2019 and this Court

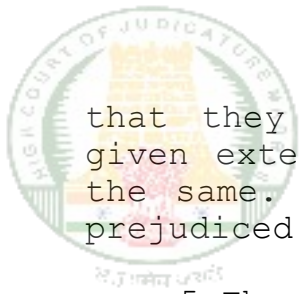


had passed an order on 27.11.2019. It appears that the petitioner could not avail the benefit of the said order. The petitioner's counsel would state that the scope of the earlier order was confined to the year 2019-2000 and that therefore, he is entitled to maintain this writ petition independently.

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3.The petitioner is the son of one Veeranathevar. The said Veeranathevar passed away on 05.11.1998. He was survived by one daughter and four sons. One of the sons namely., Sivakumar passed away on 05.10.2018. The fifth respondent/Amutha is his wife. Since a partition dispute has arisen among the family members, Amutha and her two daughters had filed O.S.No.16 of 2019 before the Sub Court, Muthukulathur and the same is said to be pending. As on date, the property has not been partitioned. Therefore, the revenue record reflects the names of all the legal heirs. The grievance of the petitioner is that since Amutha is presently estranged from the family, she has declined to endorse her no objection for submitting the relevant application for securing the Adangal Form in question. The earlier order passed by this Court contemplates the submission of the joint application involving all the legal heirs. The petitioner states that since Veerana Thevar died leaving behind 40 acres or thereabouts. Sivakumar branch will be entitled to 8 acres or thereabouts. The petitioner's counsel states that the subject matter of this writ petition is confined to the balance portion. The petitioner's counsel would further state that Amutha has chosen to leave the lands barren and that she did not engage in agricultural operations.

4.If the petitioner's request is not accepted, then the petitioner will be deprived of the benefits of insurance. The Government had introduced the said scheme for benefiting the farmers, who are engaged in agricultural operations. The specific case of the petitioner is that out of 40 acres, leaving aside the share of Sivakumar branch, in the remaining extent, they are carrying on their agricultural operations. The petitioner and other brothers and sister should not be denied the benefit of insurance scheme. Since the subject matter is confined only to 32 acres or thereabouts, I permit the petitioner to submit an application to the jurisdictional Tahsildar through local Village Administrative Officer. It is not necessary that the joint application to be submitted by the petitioner should also include the signature of the fifth respondent or the other heirs representing Sivakumar's branch. The respondents 2 and 3 are directed to verify the application to be submitted by the petitioner and if it is otherwise in order, issue the Adangal Form as sought for. As observed in the earlier order, this is without prejudice to the pending partition suit in O.S.No.16 of 2019, on the file of Sub Court, Muthukulathur. The petitioner shall not take advantage of this order or project the same in the pending suit. The rights of the parties will be independently decided in the said suit. Merely because, this Court for the purpose of this writ petition accepted the stand of the petitioner



that they are carrying on their agricultural operations for the given extent, that will not mean that the Civil Court is bound by the same. In no way, the rights of the fifth respondent will be prejudiced by the direction now issued.

5.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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:

- 1.The District Collector,
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Ramanathapuram.
- 2.The Tahsildhar,
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- 4.The Secretary,
Pillaiyarkulam Primary Agricultural Co-operative
Credit Society, Pillaiyarkulam (Post),
Kadaladi Taluk, Ramanathapuram District.

+1 CC to M/s.GP (SR-3751[F] dated 08/02/2021)

W.P (MD) No.16962 of 2020
05.02.2021

SSS (CO)
KK(23.02.2021) 3P 6C