



WEB COPY

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.18025 of 2019

S.Balamurugan

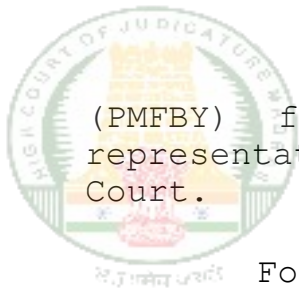
... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its the Principal Secretary,
Department of Agriculture,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The District Collector,
Tuticorin District, Tuticorin.
3. The Regional Manager,
New Indian Assurance Company Ltd,
Garden Apartments,
No.138, Ph Road,
Purasaiyakkam, Chennai.
4. The Joint Director of Agricultural,
Tuticorin District, Tuticorin.
5. The Joint Register of Co-operative Society,
Tuticorin Regional, Tuticorin.
6. The Tahsildar,
Ettayapuram Taluk,
Tuticorin District.
7. The Branch Manager,
New Indian Assurance Company Ltd.,
Victoria Road,
Tuticorin District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the third respondent to disburse the insurance amount to the agriculturists of Melanambipuram Village, Padarnthapulli Pirka, Ettayapuram Taluk, Tuticorin District who insures their crops, with the third respondent under the scheme of Pradhan Mantri Fasal Bima Yojana



(PMFBY) for the year 2016-17 on the basis of petitioner's representation dated 06.08.2019 within a time stipulated by this Court.

For Petitioner : Mr.M.Prabu

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader
for R1 and R2
Mr.RobertT Chandrakumar
for Mr.G.Prabhu Rajadurai
for R3 and R7

ORDER

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

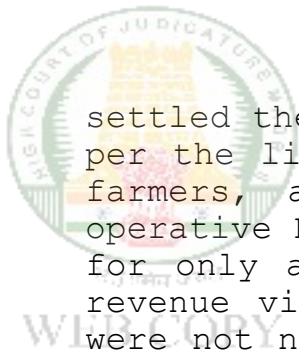
Heard Mr.M.Prabu, learned Counsel appearing for the petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.Robert Chandra Kumar, learned Counsel appearing for the respondents 3 and 7.

2. This writ petition has been filed by the writ petitioner praying for a direction upon the third respondent to disburse the insurance amount to the agriculturists of Melanambipuram Village, Padarnthapulli Pirka, Ettayapuram Taluk, Tuticorin District who insured their crops, with the third respondent under the scheme of Pradhan Mantri Fasal Bima Yojana (PMFBY) for the year 2016-17, by taking note of the petitioner's representation.

3. The case of the petitioner rests upon the deduction of premium by Thoothukudi District Central Co-operative Society and the learned Counsel has invited our attention to the details of deduction done towards insurance premium from the document filed in the typed set of papers.

4. It is further submitted that in respect of 43 persons of the petitioner's village, compensation amount has been paid, but, however, it has not been disbursed to other villagers. In this regard, the learned Counsel referred to the communication sent by the District Revenue Officer to the New India Insurance Company, dated 06.10.2020. The respondent-insurance company has filed a counter affidavit stating that the petitioner's village - Melanambipuram is not the notified village as per the Department of Agriculture for the purpose of PMFBY Scheme and as such, the insurance company is not liable to pay any compensation under the terms of the agreement with the Government under the said scheme.

5. Further, it is submitted that the revenue village - Nambipuram is a notified village and the insurance company has



settled the compensation in respect of Black Gram and Green Gram, as per the list provided by the Department of Agriculture. Out of 119 farmers, as per the data provided by the District Central Co-operative Bank, the insurance company settled the claim of mice crop for only about 43 and the balance 76 could not be settled as the revenue village provided by the District Central Co-operative Bank were not notified village as per the Department of Agriculture. The Department of Agriculture has also filed a counter affidavit, from which, it is stated that Melanambipuram Primary Agricultural Co-operative Credit Society has committed an inadvertent error by mentioning a wrong village name in the declaration form leading to non-disbursement of claim by the insurance company.

6. Further, it is submitted that the Primary Agricultural Co-operative Society has wrongly entered Melanambipuram village instead of Nambipuram village and the wrong mentioning of the revenue village of the Credit Society deprived the farmers of any benefit under the scheme and therefore, the Department of Agriculture and the District Administration are not responsible for the claim in respect of the non-notified insurance units.

7. Thus, in the light of the above disputed facts, more particularly, on account of the stand taken by the Department of Agriculture stating that it is an error committed by the Co-operative Society, this controversy cannot be resolved in a writ petition. Though the prayer sought for by the writ petitioner was only for a Writ of Mandamus, such a prayer cannot be granted as counter affidavits have been filed by the contesting respondents, from which, we find that the village to which the petitioner belongs to, was never included in the Central Scheme.

8. Hence, we have to reject the relief sought for in the writ petition. At best, the Society shall be directed to return the amount of premium collected from the petitioner and others under the guise of being made part of the Central Scheme.

9. The learned Counsel for the respondent-insurance company submitted that already the insurance company has paid back the amount to the Co-operative Society.

10. In the light of the above, the prayer sought for by the petitioner cannot be granted and accordingly, the writ petition stands dismissed. However, if the petitioner has any grievance, he can agitate the same before appropriate Forum. No costs.

Sd/-

Assistant Registrar(AE)

//True copy//

/ /2021

Sub Assistant Registrar



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.

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Victoria Road, Tuticorin District.

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-17058[F] dated 22/04/2021)

+1 CC to Mr.N.DILIPKUMAR, Advocate (SR-17091[F] dated 22/04/2021)

+1CC to THE SPECIAL GOVERNMENT PLEADER(SR-17150[F] dated 22/04/2021)

Order made in
W.P. (MD) No.18025 of 2019
21.04.2021

PKN

SRS/24.05.2021/4P/10C

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