



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.12553 of 2014
(Through Video Conferencing)

S.Jeyakumar

...Petitioner

Vs.

1.The Joint Registrar

Cooperative Societies (Finance & Banking)
Office of the Registrar of Cooperative Societies
No.170 Periyar E.V.R.High Road,
Kilpauk,
Chennai - 600 010.

2.The Deputy Registrar of Cooperative Societies

Vaigai Road,
Periyakulam.

3.The President,

DD147 Jangalpatti Primary
Cooperative Bank Ltd.,
Jangalpatti, Theni 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 3rd respondent herein to disburse the Insurance amount for damages to the Banana Plants (Trees) cultivated in the petitioners land situated in Jangalpatti Village, Survey No.291/2 291/3 to an extent of 2 Hectares.

For Petitioner :Mr.P.Santhoshkumar

For Respondents :Mr.P.Mahendran

Additional Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 3rd respondent to disburse the Insurance amount towards the damages sustained by the petitioner.

2.The case of the petitioner is that he is an agriculturist, who has taken a crop loan from the third respondent Bank and has also insured the crops by paying necessary charges. During the year 2013, the entire crops were damaged, which resulted in a heavy loss to the petitioner. The petitioner therefore made a claim to the



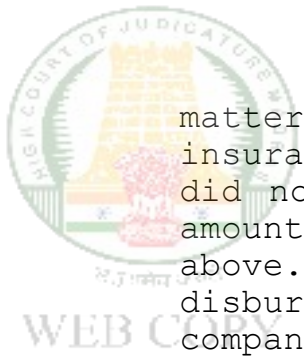
third respondent seeking for the insurance amount. Since the same was not acted upon by the third respondent, the present writ petition has been filed before this Court.

3.The third respondent has filed a counter affidavit in this case. The relevant portions in the counter affidavit are extracted hereunder:

"1.With regard to the averments made to the paragraphs, I submit that the third respondent society is a Cooperative institution registered under the Tamil Nadu Cooperative Societies Act 1983 and the rules made thereunder. The main object of the said society is to give crop loans to the members of the society. Accordingly, the writ petitioner being a member of the said society got crop loan of Rs.60,000/- for Banana crop on 19.07.2012. At the time of getting the above loan the writ petitioner insured the crops and paid a sum of Rs.3600/- as premium for weather based crop insurance to the NDFC ERGO General insurance company ltd., on 19.07.2012 through the third respondent society. After the receipt of the premium amount from the writ petitioner and other 2 members, the third respondent society remitted entire amount to the Madurai District Central Cooperative Bank and the above Bank remitted the entire premium amount collected from Primary Agricultural Cooperative Credit Societies to the Insurance Company. So the Insurance Company is the authority to sanction the compensation amount to the farmers who insured their Crops and affected by natural calamity. On 14.04.2013 a whirl wind devastated the crops ready for reap in the Theni Panchayat Union area including Jangalpatty. The writ petitioner's Banana crop also destroyed by the whirl wind to the extent of 1.23.0 hectare land. So the Tahsildar, Theni issued a certificate in this regard on 29.07.2013.

2.After the receipt of the certificates from Tahsildar, the third respondent society sent proposal to get compensation amount from the insurance company on 08.08.2013 to the Madurai District Central Cooperative Bank and the matter was also informed by the second respondent to the writ petitioner through a letter dated 03.02.2014.

3.I submit further that the Madurai District Central Cooperative Bank claimed the compensation amount from the insurance company and sent the amount of Rs.3,000/- to the writ petitioner for the loss caused by the Whirl wind and it is kept in the third respondent Society. After the receipt of amount, the third respondent informed the



matter to the writ petitioner about the receipt of the insurance amount on 20.06.2014. But the writ petitioner did not turn up to the society to receive the insurance amount sanctioned by the insurance company mentioned above. So the third respondent society is ready to disburse the insurance amount sanctioned by the insurance company if the writ petition is approached the society."

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case and the specific stand taken in the counter affidavit filed by the third respondent to the effect that the insurance amount has already been deposited before the third respondent, there shall be a direction to the petitioner to approach the third respondent and receive the insurance amount sanctioned by the Insurance Company.

6. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (AE)

// 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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2.The Deputy Registrar of Cooperative Societies
Vaigai Road,
Periyakulam.

+1 CC to M/s.SPL GP (SR-16513[F] dated 19/04/2021)

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