



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD)No.4955 of 2017

and

W.M.P. (MD) .Nos.3990 and 3991 of 2017

WEB COPY

Arumuga Chandra Sekaran

... Petitioner

vs.

1.The Sub Collector,
Paramakudi,
Ramanathapuram District.

2.The Joint Registrar of
Co-operative Society,
Ramanathapuram District,
3A, Palace South Street,
Ramnad.

3.The Secretary,
Q1224, Melakidaram Primary Agricultural Co-operative
Society,
Melakidaram Post,
Kadaladi Taluk,
Ramanathapuram District.

4.Tmt. Muthumaruthu

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the first respondent vide ஓ.மு.அ1/10132/2016, நாள் 30.11.2016 and the proceedings passed by the third respondent dated 24.02.2017 and quash the same as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to disburse the crop insurance amount to the petitioner within a stipulated time fixed by this Court.

For Petitioner : Mr.K.C.Ramalingam

For R1 to R3 : Mr.R.Suresh Kumar
Government Advocate

For R4 : Mr.A.Kannan



O R D E R

This writ petition has been filed challenging the impugned proceedings of the first respondent, dated 30.11.2016 and the proceedings of the third respondent dated 24.02.2017 and for a direction to the respondents to disburse the crop insurance amount to the petitioner.

2. The case of the petitioner is that he is in possession and enjoyment of agricultural lands and he had also paid the premium for the crop insurance. There was a crop failure due to shortage of rainfall and the petitioner sustained loss. The petitioner therefore made a claim for payment of compensation under the Crop Insurance Scheme. The application made by the petitioner was processed and a cheque was also made ready in the name of the petitioner for a sum of Rs.76,370/-. When the amount was about to be paid, the fourth respondent gave an objection on the ground that she has a share in the property. Based on this objection, the impugned proceedings came to be passed by the respondents 1 and 3 informing the petitioner that the premium amount will not be paid, in view of the suit filed by the fourth respondent claiming a share in the property. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard Mr.K.C.Ramalingam, learned counsel appearing for the petitioner, Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents 1 to 3 and Mr.A.Kannan, learned counsel appearing for the fourth respondent.

4. In the considered view of this Court, the *inter se* dispute between the parties with regard to the share over the property, has nothing to do with the payment of the compensation under the Insurance Scheme. Admittedly, it was the petitioner, who was cultivating the crops and had paid the premium under the Insurance Scheme. Therefore, the petitioner will be entitled to receive the compensation under the Scheme and this cannot be tagged on to the dispute with regard to the share over the subject property. It was brought to the notice of this Court that the dispute is now pending before this Court in A.S.No.93 of 2020.

5. This Court is of the view that the respondents ought not to have stopped the payment of compensation to the petitioner under the Insurance Scheme, since the petitioner had only paid the premium and availed the Insurance Scheme. The payment of the compensation will not have any bearing on the right claimed by the fourth respondent for a share in the property.

6. In view of the above discussion, the impugned proceedings of the first and third respondents are quashed and there shall be a direction to the third respondent to pay the compensation amount to



the petitioner under the Crop Insurance Scheme, within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition is allowed, with the above direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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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Ramanathapuram District.

+1 CC to M/s.K.C.RAMALINGAM, Advocate(SR-22781[F] dated 15/07/2021)

+1 CC to M/s.SPL GP (SR-22673[F] dated 15/07/2021)

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