



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.5381 of 2011

and

M.P. (MD) .No.3 of 2011

1.S.Ayyakannu

2.M.Sonai

3.S.Kali

4.R.Lakshmi

... Petitioners

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Secretary,
N.N.419, Siruvelangudi Primary Agricultural
Co-operative Bank Limited,
Sivagangai District.

3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, dated 08.10.2010, issued by the second respondent and quash the same as it is illegal and in consequence to direct the respondents to disburse the second installment of insurance amount to the petitioners within a period to be specified by this Court.

For Petitioners : Mr.R.Surianarayanan

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader.



ORDER

The present Writ Petition has been filed to quash the impugned order passed by the second respondent herein, under which the writ petitioners were directed to repay the Crop Insurance amount which were sanctioned and disbursed to them.

2. According to the writ petitioners, who are family members, they have received the first installment of the Crop Insurance Scheme. However when they demanded the second installment, the present impugned order has been passed.

3. The impugned order has been passed by the second respondent on the ground that they have forged the VAO certificate which has been relied upon by the writ petitioners for obtaining the first installment of the Crop Insurance amount. Though serious allegation has been made against the writ petitioners in the impugned order, the writ petitioners have not been put on notice and no explanation has been called for from the writ petitioners before passing the impugned order.

4. Since the impugned order has been passed in violation of the principles of natural justice, the impugned order is set aside. The matter is remitted back to the file of the second respondent. The second respondent shall issue a show cause notice and after giving an opportunity of personal hearing to the writ petitioners, shall pass orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands allowed and remitted to file of R2. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Secretary,
N.N.419, Siruvelangudi Primary Agricultural
Co-operative Bank Limited,
Sivagangai District.

3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-24558[F] dated
08/06/2022)

+1 CC to M/s.SPL.GP (SR-24612[F] dated 08/06/2022)

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MGJ(14.06.2022) 3P 6C