



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.17632 & 17902 of 2021

A.Muniasamy ... Petitioner
in W.P.(Md)No.17632 of 2021

V.Arul Lourduraj ... Petitioner
in W.P.(MD)No.17902 of 2021

Vs.

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Deputy Registrar of Co-operative Societies,
Sivagangai.
3. The Joint Registrar / Managing Director,
Central Co-operative Bank Ltd.,
Sivagangai District, Sivagangai.
4. The President,
TNN 549, Primary Agricultural Co-operative Credit
Society,
Sakkur, Sakkur Post, Sooranam Via, Kalayarkovil Taluk,
Sivagangai District.
5. The Regional Manager,
ICICI Lombard Insurance Company,
Seethalakshmi Business Centre Branch,
3rd Floor, Unit No.684-690,
Anna Salai, Thousand Lights,
Chennai – 600 006.
(R-5 is impleaded vide Order dated 29.11.2021
in W.M.P.(MD)Nos.17475 & 17469 of 2021)

... Respondents
in both petitions



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Prayer in W.P.(MD)No.17632 of 2021 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 and 2 i.e., the District Collector, Sivagangai and the Deputy Registrar of Co-operative Societies, Sivagangai, for pursuing further action on the letter in R.C.No.44/2021 dated 10.03.2021 of the Deputy Registrar of Co-operative Societies, Sivagangai regarding making payment of crop insurance amount to the petitioner also on par with similarly placed persons in the same Kalayarkovil Taluk, within a specified time frame that may be fixed by this Court.

Prayer in W.P.(MD)No.17902 of 2021 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 and 2 i.e., the District Collector, Sivagangai and the Deputy Registrar of Co-operative Societies, Sivagangai, for pursuing further action on the letter in Na.Ka.No.105/2019 தொவ dated 27.06.2019 of the Deputy Registrar of Co-operative Societies, Sivagangai regarding making payment of crop insurance amount to the petitioner also on par with similarly placed persons in the same Kalayarkovil Taluk, within a specified time frame that may be fixed by this Court.



(in both W.Ps.)

For Petitioner : Mr.S.Visvalingam

For R-1,R-2&R-4 : Mr.M.Senthil Ayyanar,
Government Advocate.

For R-3 : Mr.D.Shanmugaraja Sethupathi

For R-5 : Mr.P.Pethu Rajesh

* * *

COMMON ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Government Advocate appearing for respondents 1, 2 and 4 and the learned Standing counsel appearing for respondents 3 and the learned Standing counsel appearing for the fifth respondent.

2. The writ petitioners are farmers. The case on hand pertains to the year 2017-18. The petitioners are members of the fourth respondent society. In order to insure their crops with the concerned insurance company, the petitioners have paid the premium to the fourth respondent. It appears that the fourth respondent failed to upload the entries in the portal and



remit the premium with the insurer. The petitioners have filed their claims. The matter was eventually taken up by the District Collector along with other issues. The meeting was held by the PMFBY District Level Joint Committee on 14.10.2019. The agenda No.II is as follows:-

“ 78 farmers paid their premium in Sakkur PACCS are yet to receive the claim (Rs.42.27 Lakhs) till date due to lack of portal entry.

MD, DCCB already informed above the poor financial status of the above PACCS and requested to process and pay the Sakkur farmers compensation. ”

3. Finally, the District Collector who is also a chairman of the committee issued proceedings Lr.No.C1/2227/2019 dated 22.05.2020 which is as follows:-

“ Since the pending claim compensation of the enroled farmers in Paddy II crop during the year 2016-17 and 2017-18 remained unsettled for certain group of farmers in Sivagangai District, several DLMC meeting had been organized to ICICI Lombard to sortout the issues and continuous efforts have been taken to solve the pending claim settlement.



The unsettled claim compensation to the Paddy II insured farmers due to portal revenue village mismatch entries and leftout upload in PMFBY portal during the year 2016-17 & 2017-18 in PACCS have been remained as unsettled for a prolonged period eventhough ICICI company have been appraised with necessary documents through many communications vide the ref(1) cited and also a Joint Committee of district level PMFBY stakeholders had been deputed to sortout the pending issues on 21.02.2020 to ICICI Head Quarter, Chennai.

The detailed report on 2016-17 & 2017-18 Paddy II insured farmers whose claims are remained unsettled by ICICI till now have been submitted by MD, DCCB through the ref(3) cited.

Moreover, MD, DCCB had proposed to settle the unsetled claims which are eligible to receive the claim by adjusting from the undisbursed claim amount of Sooranam PACCS due to ineligible enrolment made in the Paddy II and Red chillies crop in the year 2016-17.

In this regard, a detailed report related on Sooranam PACCS undisbursed claim amount due to ineligible insurance



in the year 2016-17 had been called upon from JR, Co-operative, Sivagangai vide the ref cited (5) on the basis of the proposal submitted by The MD, DCCB.

Based on the MD, DCCB proposal and JR, Co-operative, Sivagangai detailed report on Sooranam PACCS 2016-17, the details have been submitted as follows:-

Sl. No.	2016-17 and 2017-18 unsettled claim amount by ICICI		Ineligible claim amount received from ICICI in Sooranam PACCS in 2016-17		
	No. of farmers	Pending claim amount	Ineligible farmers	Partly ineligible	Undisbursed claim amount
1.	199	99,21,649.23	139	153	1,13,64,398.28

While considering the plight of the affected farmers during the Covid-19 pandemic lockdown period whose claim remained unsettled for more than 2 ½ years and above, the MD, DCCB shall utilize the undisbursed claim amount which is stated as ineligible claim received from ICICI by Sooranam PACCS during 2016-17 Paddy II and Red chillies crop for the pending settlement of farmers claim furnished in the ref(2) cited only.

In addition, this proceeding is initiated with a view of protecting the interest of enrolled farmers who are deprived of any benefit under the PMFBY scheme due to the errors of PACCS, even though they had remitted their premium with



necessary document within stipulated time and The MD, DCCB and JR, Co-operative, Sivagangai are advised to instruct the PACCS to strictly adhere the PMFBY operational guidelines for effective implementation of the scheme and monitor the crop insurance activities closely without any deviation in future.”

4. It appears that till date the insurance company has not chosen to challenge the said direction. The case of the writ petitioners would also fall within the ambit of the said direction. However, the petitioners who are not only the persons whose claims have not been settled. Including the petitioners there are totally 78 farmers who have paid their premium to the fourth respondent society. Therefore, respondents 2 and 3 are directed to coordinate with the first respondent and quantify what can be paid to the writ petitioners and 76 others and thereafter, disburse the amount in terms of the proceedings dated 22.05.2020 issued by the District Collector, Sivagangai. The entire exercise will be concluded within a period of eight weeks from the date of receipt of a copy of this order.



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5. These writ petitions stand allowed on these terms.

No costs.

04.08.2022

Index : Yes / No

Internet : Yes/ No

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To:

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Deputy Registrar of Co-operative Societies,
Sivagangai. 4. The President,
TNN 549, Primary Agricultural Co-operative Credit
Society,
Sakkur, Sakkur Post, Sooranam Via, Kalayarkovil Taluk,
Sivagangai District.



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