



W.A(MD)No.1581 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A(MD)No.1581 of 2023
and
C.M.P(MD)No.12229 of 2023

The Secretary,
Primary Agricultural Cooperative
Credit Society Limited,
Thirutheervilai,
Ramanathapuram District.

... Appellant/6th respondent

Vs.

- 1.A.Ramasamy .. 1st respondent / Petitioner
- 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Joint Registrar of Cooperatives,
Ramanathapuram District,
Ramanathapuram.
- 4.The Deputy Registrar of Cooperatives,
Ramanathapuram District,
Ramanathapuram.
- 5.The Regional Manager,
Agriculture Insurance Company of India Limited,
No.323, Thampuchetti Street,
Parrys Corner,
Chennai.



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6.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents 2 to 6/Respondents 1 to 5

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order in W.P(MD)No.22308 of 2022, dated 27.10.2022.

For Appellant	:Mr.D.Shanmugaraja Sethupathi
For R-1	:Mr.B.Muneeswaran
For R-2 to R-4 & R-6	:Mr.D.Sachikumar, Additional Government Pleader
For R-5	:Mr.D.Srinivasaragavan

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This writ appeal is directed as against the order, dated 27.10.2022, made in W.P(MD)No.22308 of 2022.

2. The first respondent/writ petitioner has filed the writ petition seeking for issuance of a Writ of Mandamus, directing the respondents to pay the benefit of National Agricultural Insurance to the petitioner for the land possessed by him.



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3. It is admitted that the writ petitioner was given some compensation ie., a sum of Rs.5,000/- per acre considering that his land is in Thirutheervilai Village where the compensation payable is Rs.5,000/- per acre. However, considering the fact that the writ petitioner has got lands in Kokkoorani Village and his name cannot be included in the beneficiary list of another village, the learned Single Judge directed the authorities to disburse the insurance amount to the writ petitioner for his lands in Kokkoorani Village, after deducting the amount already paid, within a period of twelve weeks from the date of receipt of the order. Challenging the same, the appellant/ co-operative society has filed this writ appeal.

4. This Court is not inclined to entertain this writ appeal for the simple reason that the fact recorded by the learned Single Judge that the writ petitioner has got lands in Kokkoorani Village is not in dispute. The learned counsel appearing for the appellant is also unable to demonstrate as to how the writ petitioner is not entitled to the compensation in respect of his lands in Kokkoorani Village. Therefore, we do not find any merit in this writ appeal.

5. Though the learned Single Judge has given a specific finding that the appellant has committed a mistake in making the claim, it may be open to the Insurance Company to make the appellant responsible. In other



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words, it is made clear that though the amount is going to be settled by the Insurance Company, it is for the Insurance Company to recover the same from the appellant, if it is otherwise entitled to.

6. In view of the foregoing, this writ appeal is dismissed. The Insurance Company shall pay the insurance amount as ordered by the learned Single Judge, to the writ petitioner/first respondent, within a period of eight weeks from the date of receipt of a copy of this judgment. No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
21.09.2023

Index : Yes / No
NCC : Yes/No
pm
To

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