



W.P.(MD)No.262 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.262 of 2021

Chandra

... Petitioner

Vs.

1.The District Collector
Tuticorin District Tuticorin.

2.The Joint Director
(Crop Insurance Division),
Agricultural Office, Tuticorin District,
Tuticorin.

3.The Branch Manager,
TheTuticorin District Central Cooperative
Bank Limited,
Thili Thani 118 Kalugumalai
Central Cooperative Bank, Kalugumalai,
Tuticorin District.

4.The Regional Manager and CPIO,
The New India Assurance Company Limited,
Chennai Regional Office,
Dewa Towers 3rd Floor,
770-A, Anna Salai,
Chennai-600 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay



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the balance Agricultural Insurance amount to the petitioner for the maize crop of the year of 2018-2019 as per the premium amount paid to the petitioner crops within the period that may be stipulated by this Court.

For Petitioner : Mr.N.Sekar

For R-1 & R-2 : Ms.D.Farjana Ghoushia,
Special Government Pleader

For R-3 : Mr.D.Shanmugaraja Sethupathi

For R-4 : Mr.N.Dilipkumar

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondents to pay the balance agricultural insurance amount to the petitioner for the loss suffered by the petitioner during the year 2018-2019.

2. The case of the petitioner is that she is an agriculturist and was cultivating maize crop in the agricultural lands situated at K.Venkateshwarapuram Village, Kovilpatti Taluk, Tuticorin District. The petitioner had paid the insurance amount under the Pradhan Mantiri Fasal Bima Yojana (PMFBY). The petitioner claims that the insurance amount was paid from her Savings Bank Account. The crops failed and accordingly, the petitioner become entitled for the payment of the



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insurance amount. According to the petitioner, she was paid only a sum of Rs.24,846/- (Rupees Twenty Four Thousand Eight Hundred and Forty Six only) by the fourth respondent. However, according to the petitioner, she is entitled for a larger sum. Hence the petitioner made a representation to the fourth respondent on 05.10.2020 in this regard. The fourth respondent informed the petitioner to approach the concerned forwarding Bank in this regard. Accordingly, the petitioner approached the third respondent Bank and made a representation. Since no action was taken, the present Writ Petition has been filed before this Court.

3. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing on behalf of respondent Nos.1 and 2, the learned counsel appearing for the third respondent and the learned counsel appearing for the fourth respondent.

4. The learned counsel appearing on behalf of the third respondent Bank submitted that the petitioner was having her Bank Account at Thili Thani 118 Kalugamalai Primary Agricultural Co-operative Credit Society Limited, Kalugumalai and the third respondent



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has nothing to do with the claim made by the petitioner. To substantiate the same, the communication made by the concerned Bank to the fourth respondent dated 08.07.2020 was also brought to the notice of this Court.

5. The learned counsel appearing on behalf of the fourth respondent submitted that the concerned forwarding Bank had mentioned in the portal as if agricultural lands fell within the jurisdiction of Kovilpatti Village. Based on that information, the amount was calculated and the petitioner was paid a sum of Rs.24,846/. (Rupees Twenty Four Thousand Eight Hundred and Forty Six only). The learned counsel for the petitioner submitted that if the correct particulars had been entered in the portal by the forwarding Bank by mentioning that agricultural lands are situated at K.Venkateshwarapuram Village, the petitioner would have been entitled for a total compensation of Rs.37,434.80/-. The learned counsel submitted that for the mistake that was committed by the forwarding bank, the fourth respondent cannot be made liable. The learned counsel brought to the notice of this Court the relevant operational guidelines, which governs the payment of the insurance amount. For proper appreciation, the relevant guideline is extracted hereunder.



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“24.2 In case of any substantial misreporting by nodal bank / branch with respect to loanee farmers coverage which may include incorrect insured and sown acreage and survey details, bank account details and IU details etc., the concerned bank only shall be liable for such misreporting.”

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. In the instant case, the Nodal Bank viz., Thili Thani 118 Kalugumalai Primary Agricultural Co-operative Credit Society Limited, Kalugumalai had entered in the portal as if the agricultural lands are situated at Kovilpatti Village instead of K.Venkateshwarapuram Village. The guidelines make it clear that the Insurance Company cannot be made liable and it is only the concerned Bank which will be liable for the payment of the amount to the agriculturists.



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8. In view of the above, the petitioner is directed to make a representation to Thili Thani 118 Kalugamalai Central Co-operative Bank, Kalugumalai, seeking for the difference of the amount that is payable to the petitioner under the Insurance Scheme. On receipt of the representation, Thili Thani 118 Kalugamalai Central Co-operative Bank, Kalugamalai, shall pay the balance amount to the petitioner within a period of four (4) weeks from the date of receipt of representation from the petitioner.

9. This Writ Petition is disposed of with the above directions.

No costs.

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NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The District Collector

Tuticorin District Tuticorin.

2.The Joint Director

(Crop Insurance Division),

Agricultural Office, Tuticorin District,
Tuticorin.



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N.ANAND VENKATESH, J.

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