



W.P.(MD) No.745 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.745 of 2020

V.Jesu Arul

.. Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Agriculture Department,
For St. George, Chennai-600 009.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Regional Manager,
Agriculture Insurance Company of India Limited,
1st Floor, Andhra Insurance Building,
No.323, Thambu Chetty Street,
Parry's Corner, Chennai-600 001.

4.The Branch Manager,
Ramanathapuram Central Co-operative Bank,
Muthukulathur Branch,
Muthukulathur,
Ramanathapuram District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing respondents 3 and 4 to reimburse the amount to the petitioner as per the Pradhan Mantri Fasal Bima Yojana (PMFBY) forthwith as admissible to the petitioner for the year 2017-2018.

For Petitioner	:	Mr.K.Anandan
For RR1 & 2	:	Mr.T.Amjadkhan Government Advocate
For R3	:	Mr.D.Srinivasaragavan
For R4	:	Mr.D.Shanmugaraja Sethupathy

ORDER

This writ petition is filed for the issue of a Writ of Mandamus, directing respondents 3 and 4 to reimburse the amount to the petitioner as per the Pradhan Mantri Fasal Bima Yojana (PMFBY) forthwith as admissible to the petitioner for the year 2017-2018.

2. In identical circumstances, this Court in W.P.(MD) No.2065 of 2020, dated 18.04.2023 considered similar issue and passed the



following order:

8.Clause 11 of the Operational Guidelines for the Pradhan Mantri Fasal Bima Yojana would read as follows:

"11.Insurance companies retain the right to accept or reject insurance proposal(s) in case proposal is incomplete, not accompanied by necessary documentary proof or insurance premium ordinarily, within one month of receipt of proposal by Insurance Companies. If the proposal is rejected the insurance company will refund full collected premium."

9.Heard the learned counsels appearing on either side.

10.Admittedly, the petitioner had submitted his application in the month of November, 2017. The premium amount has also been credited to the first respondent. From a very reading of the counter, it is seen that even according to the first respondent, the first letter seeking further documents has been issued only on 10.08.2018 nearly 9 months after the application had been submitted and the petitioner's account debited of the premium amount. Further, the refund has taken place only during the pendency of this writ petition i.e; on 20.04.2022.

11.It is rather surprising that without making submissions before this Court after receiving notice in



this writ petition, the respondents have proceeded to refund the amount. Even in the very counter, the first respondent has stated that the reconciliation of the premium receipt from the farmers is done after the closure of the season. Therefore, insofar as the petitioner is concerned, the closure of the season should have taken place in 2018. There is nothing to show that the first respondent had reconciled the accounts before the said season. The conduct of the first respondent appears to be very indifferent and there is a reluctance to comply with the terms of the scheme. The very scheme has been introduced to compensate the farmers for the crop loss that they sustain. Therefore, it would defeat the very object of the scheme, if the genuine claim of a farmer is rejected on technicalities. In the instant case, it is the first respondent that has dragged its feet and not given the petitioner time to rectify the defect, if any. Therefore, since the entire delay is on the side of the first respondent and further since there is no proof to show that the letter dated 10.08.2018 had been received by the petitioner, this Court has to necessarily allow the writ petition as prayed for.

12.In fine, the Writ Petition is allowed with a direction to the respondents to process and pay the requisite insurance payment to the petitioner as



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expeditiously as possible. However, there shall be no order as to costs.”

3. Following the above, this Writ Petition is allowed with a direction to the respondents to process and pay the requisite insurance payment to the petitioner as expeditiously as possible. However, there shall be no order as to costs.

21.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Secretary to Government,
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