



W.P.(MD)Nos.2907 of 2021 etc. batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.10.2023

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.2907, 2909, 2911, 2913, 2915, 2916, 2918, 2921, 2922,
2924, 2925 and 2926 of 2021

W.P.(MD)No.2907 of 2021:-

D.Arockiya Punitha

.. Petitioner

Versus

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Regional Manager,
Agricultural Insurance Company India Ltd.,
(Affiliated by the Central Government)
CINOU 7499DL2002PLC118123,
Old No.156, New No.323,
Andhra Insurance Building 1st Floor,
Thambuchetti Street,
Chennai – 600 001.
- 3.The Deputy Registrar,
District Co-Operative Societies,
Vandikara Street , Ramanathapuram.
- 4.The Assistant Director,
District Agricultural Department,
Ramanathapuram.



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5. The Secretary,
Primary Agricultural Co-operative Society,
Andavoorani, Thiruvadanai Taluk,
Ramanathapuram District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the insurance amount of Rs.21,500/- per acre as fixed by the respondents for Paganoor Village Group, Thiruvadanai Taluk, Ramanathapuram District, within the period fixed by this Court, considering her representation, dated 07.01.2021.

For Petitioner in all the W.Ps. : Mr.R.Sevugaraja

For R1, R4 and R5 in all the W.Ps. : Mr.A.K.Manikkam
Special Government Pleader

For R2 in all the W.Ps. : Mr.D.Srinivasaraghavan

For R3 in al the W.Ps. : Mr.D.Shanmugaraja Sethupathi

COMMON ORDER

The issue involved in all these Writ Petitions are common and hence, they are taken up together, heard and disposed of through this common order.



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2. The petitioners have filed these Writ Petitions seeking for issuance of Writ of Mandamus, directing the respondents to pay the insurance amount at the rate of Rs.21,500/- per acre, within the time frame fixed by this Court, considering the representations made by them.

3. The case of the petitioners is that they have the agricultural lands at Paganoor Revenue Village, Thiruvadanai Taluk, Ramanathapuram District and all of them have paid the premium amount for the period 2018-2019 before the fifth respondent. The petitioners made the insurance claim and they were paid the claim by the second respondent only at the rate of Rs.5,600/- per acre. According to the petitioners, some mistake was committed by the fifth respondent while uploading the details in the portal and as a result, the lands belonging to the petitioners were shown as if they were located at Panichagudi, Sirugambaiyur, Chittamangalam and Kookudi Villages. In view of the same, the amount that was fixed for these Villages was paid to the petitioners, who actually have their lands at Paganoor Revenue Village.



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4. In view of the above, the petitioners made representation seeking for the payment of insurance at the rate of Rs.21,500/- per acre. Since the same was not considered, these Writ Petitions have been filed before this Court.

5. The second respondent has filed a counter affidavit. In the counter affidavit, the second respondent has taken a stand that as per the records available, the agricultural lands belonging to the petitioners were located at Panichagudi, Sirugambaiyur, Chittamangalam and Kookudi Villages and the insurance claim was paid on the basis of the amounts fixed for these Villages. It is stated that if any wrong entry has been made, the petitioners can only make their claim before the concerned Bank and the second respondent cannot be made liable for the payment of the difference in the insurance claim.

6. Heard the learned counsel appearing for the parties.

7. There is no dispute with regard to the fact that the agricultural lands belonging to the petitioners are situated at Paganoor Revenue



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Village. Unfortunately, the fifth respondent while uploading the details, had shown the lands as if they are located at Panichagudi, Sirugambaiyur, Chittamangalam and Kookudi Villages. In view of the same, a lesser insurance claim was paid to the petitioners.

8. The operational guidelines governs the payment of the insurance amount and for proper appreciation, the relevant guideline is extracted hereunder:-

"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."

9. In view of the above, the second respondent Insurance Company cannot be made liable for the payment of the difference in the insurance claim to the petitioners. For the mistake committed by the fifth respondent, it is only the fifth respondent, who must be directed to pay the difference in the amount to the petitioners. Ultimately, it is left open to the fifth respondent to make their claim before the second respondent



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Insurance company, if they are otherwise entitled to make such a claim.

The petitioners, who are agriculturists/farmers cannot be made to suffer for the mistake committed by the fifth respondent and they will be entitled for the difference of the insurance claim.

10. In the light of the above discussion, there shall be a direction to the petitioners to make a representation to the fifth respondent, seeking for the payment of the difference of the amount payable as insurance claim [Rs.21,500 – Rs.5,600 = Rs.15,900/- per acre]. On receipt of the representation, the fifth respondent shall settle the balance of the insurance claim to the petitioners, within a period of six weeks from the date of receipt of a copy of representation from the petitioners.

11. These Writ Petitions are disposed of with the above directions.

No costs.

NCC : Yes/No
Index : Yes/No
smn2

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N.ANAND VENKATESH, J.

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