



W.P.(MD)No.3670 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.3670 of 2021

K.Shanmugam

... Petitioner

Vs.

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

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to pay the insurance amount of Rs.22,682/- per acre as fixed by the respondents for Paganoor Village Group, Thiruvadanai Taluk, Ramanathapuram District within the period fixed by this Court considering his representation dated 22.01.2021.

For Petitioner : Mr.R.Sevugarajan

For R1, R3 to R5 : Mr.K.S.Selvaganesan

Additional Government Pleader

For R2 : Mr.D.Srinivasaragavan

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to pay the insurance amount to the petitioner for the period 2018-19 based on the representation made by the petitioner on 22.01.2021.

2.The case of the petitioner is that he is an agriculturist and having agricultural lands to an extent of 6.43.5 acres at Kiliyur Revenue Village, Thiruvadanai Taluk, Ramanathapuram District. The petitioner had paid the premium amount for the period 2018-19 to the fifth respondent. The grievance of the petitioner is that he is entitled to receive the insurance claim,



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whereas, the petitioner was not paid even a single penny, even though he is entitled for the same. Hence, the petitioner made a representation in this regard on 22.01.2021 and the same did not evoke any response. Aggrieved by the same, the present writ petition has been filed before this Court.

3.The learned Additional Government Pleader appearing on behalf of the respondents 1 and 3 to 5 submitted that the insurance premium was paid by the petitioner to the fifth respondent Society and it has also been sent to the second respondent Insurance Company and hence, the fifth respondent Society has done its duty.

4.The learned counsel appearing on behalf of the second respondent submitted that verification was made to see if any fraudulent claims have been made. This was done by the District Level committee headed by the District collector. On verification, it was found that the petitioner had not made genuine claim in this case. Objection that was made by the second respondent was that there was over insurance. Based on this objection, the Committee seems to have taken a decision not to settle/pay any insurance claim to the petitioner.



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5.The learned counsel further submitted that in all such cases, where the enquiry reveals that there is some suspicious claim or the claim involves in some fraud, the committee decided not to pay the insurance claim and one such claim was that of the petitioner. Copies of relevant documents were also placed before this Court.

6.In the considered view of this Court, the decision was taken by the District Level Committee after conducting enquiry, but it has been done behind the back of the petitioner. Ultimately, the decision taken by the committee is going to affect the right of the petitioner and therefore, what is required to be done is to afford an opportunity to the petitioner and to inform him as to why he is not entitled for the insurance claim. The petitioner has been kept in dark and the Committee has come to the conclusion that there is over insurance based on the objections raised by the second respondent.

7.The petitioner is the member of the fifth respondent Society and he has paid the premium amount to the fifth respondent Society. While the fifth respondent Society in turn paid this premium amount to the second respondent Insurance Company, they must be having all the records pertaining to the petitioner and also the extent of agricultural lands that are being utilized by the



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petitioner. Therefore, if there is any complaint/objection over the insurance claim of the petitioner, the same ought to have been informed to the fifth respondent and fifth respondent in turn should have informed the petitioner about the enquiry and if there is any discrepancy, the petitioner would have atleast given clarification.

8.After giving such opportunity, if it is found that the petitioner is making fraudulent claim, then there will be justification in rejecting the claim made by the petitioner. Whereas, the finding has been arrived at by the District Level Committee only based on the objections made by the second respondent and in this entire process, the petitioner has been kept in dark. Hence, the procedure adopted is on the face of it illegal.

9.In view of the above discussions, there shall be a direction to the first respondent, namely District Collector to call the petitioner for enquiry and to verify the actual extent of lands that are being utilized for agricultural purpose by the petitioner. The first respondent shall also get particulars from the Primary Agricultural Cooperative Society, viz., 5th respondent in this regard. Ultimately, if the first respondent finds that the rejection of the claim made by the petitioner is not sustainable, the first respondent shall direct the second



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respondent to pay the insurance claim to the petitioner for the period 2018-19.

If the first respondent, on enquiry, finds that the decision taken by the District Level Committee is justifiable, the same shall be informed to the petitioner. Thereafter, it is left open to the petitioner to redress his grievance in accordance with law. This process shall be completed by the first respondent within a period of four weeks from the date of receipt of a copy of this order.

10.It is also made clear that the petitioner has approached this Court and therefore, this Court has considered only the case of the petitioner and directed the District Collector to resort to this process. This order should not be taken as a precedent and it confines itself to the facts of the present case of the petitioner.

11.This writ petition is disposed of in view of the above terms. No costs.

12.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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N.ANAND VENKATESH, J.

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