



W.P.(MD)No.12899 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2023

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CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.12899 of 2021

B.Santhosh Kumar

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Deputy General Manager,
Chennai Regional Office,
New India Assurance Co. Lt.,
Spencer Towers, 3rd Street, 770-A,
Anna Salai, Chennai 600002.

3.The Secretary,
T.1731 Primary Agricultural Co-Operative
Credit Society Ltd., Sathanur,
Thiruvaiyaru Taluka, Thanjavur District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent to grant the entire compensation for the loss of the crops at the rate of 77.9% in Maharajapuram Village of Thiruvaiyaru Taluka of Thanjavur Dist, by way of crops insurance for the cultivating year 2016-2017 through the 3rd respondent after deducting 5% already paid as per the 1st respondent's recommendation in Letter No.Agri/369/2018 dated 27.04.2018 by considering the representation dated 08.05.2021, within the period as stipulated by this Court.



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For Petitioner : Mr.A.Haja Mohideen
For R1 : Mr.A.K.Manikkam
Special Government Pleader
For R2 : Mr.J.S.Murali
For R3 : No Appearance

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the second respondent to grant compensation for the loss of crops as per the recommendations made by the first respondent through letter dated 27.04.2018 by considering the representation made by the petitioner on 08.05.2021.

2.Heard the learned counsel for the petitioner, learned Special Government Pleader for the first respondent and the learned counsel for the petitioner second respondent.

3.The case of the petitioner is that his father was doing paddy cultivation in the subject property and had also subscribed to crop insurance. The entire crops failed during the year 2016-2017 and hence, claim was made by all the farmers. Survey was undertaken and loss was assessed at 77.9%. The Tamil Nadu Government had also declared the Thanjavur District as drought-hit. But the compensation was not properly paid by the second and third respondents. Hence, a batch of writ petitions was filed before this Court.



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The father of the petitioner was one of the petitioners in W.P.(MD)No.4840 of 2018. All the writ petitions were taken up together and order was passed on 14.03.2018 directing the District Collector to pass suitable orders within a period of six weeks from the date of receipt of a copy of that order. Pursuant to the above order, the District Collector through communication dated 27.04.2018 directed the second respondent to take steps to pay the compensation amount to the concerned individuals at the earliest and send a report.

4.The petitioner alleges that this direction was not complied with. Hence, contempt petitions were filed before this Court. All the contempt petitions were closed on the ground that there was no specific direction issued by this Court to the Insurance Company, therefore, this Court cannot proceed further against the Insurance Company and the contempt petitioners were directed to approach the Insurance Company on the basis of the recommendations made by the District Collector.

5.Pursuant to the above order, the petitioner made a representation dated 08.05.2021, since his father had died by then. The petitioner had requested the second respondent to pay the compensation. Since the same was not acted upon, the present writ petition has been filed before this Court.



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6.The learned counsel appearing on behalf of the second respondent submitted that similar request was made in another batch of writ petitions before this Court and the same was dealt with by the Division Bench of this Court in W.P.(MD)No.2805 of 2016 etc., batch. The Division Bench directed the petitioners therein to approach the concerned District Level Grievance Redressal Committee (hereinafter referred to as 'Committee' for the sake of brevity) by enclosing all the relevant materials and the Committee was directed to conduct an enquiry and to take a decision within the stipulated time. Further, based upon the recommendation of the Committee, the Insurance Company was directed to make payments. This order was passed on 15.03.2021. The learned counsel therefore, contended that the petitioner must approach the Committee and based on the recommendation of the Committee, the petitioner can make his claim before the Insurance Company.

7.In the considered view of this court, the Committee is headed by the District Collector. It is already on record that survey was conducted and loss was assessed at 77.9%. This was taken into consideration by the Collector and the Collector had already communicated to the second respondent through letter dated 27.04.2018 to pay the compensation. The order that was passed by the Division Bench in the other batch of writ petitions cannot be put against the petitioner and the petitioner cannot be made to go through one more round of



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process by approaching the Committee. The loss had occurred during the years 2016-2017. Till date, the petitioner has not seen colour of the coin. The poor agriculturists should not be made to run from pillar to post in this manner.

8.In view of the above, there shall be a direction to the second respondent to deal with the representation made by the petitioner on 08.05.2021, in line with the recommendations made by the first respondent through proceedings dated 27.04.2018 and pay the compensation to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

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

17.11.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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To

The District Collector,
Thanjavur District,
Thanjavur.



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N.ANAND VENKATESH, J.

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