



W.P. (MD).No.15123 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.15123 of 2021

Tamilselvan

... Petitioner

Vs

1. The District Collector,
Tenkasi District, Tenkasi.
2. The Tahsildar,
V.K.Pudur Taluk, Tenkasi District.
3. The Revenue Inspector,
V.K.Pudur, Tenkasi District.
4. The Deputy Director,
Horticulture Department, Tirunelveli.
5. The 0.1972 Uthumalai Primary Agricultural
Co-Operative Credit Society Limited,
Uthumalai Village, V.K.Pudur Taluk,
Tenkasi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to disburse the claim amount in the petitioner's damaged



W.P. (MD).No.15123 of 2021

banana plantation planted in survey No. 543/3 and 543/5 at the extent of 2 1/2 acre situated at Uthumalai Village, Veerakeralampudur Taluk, Tirunelveli District by virtue of letter, dated 19.12.2017 in Letter No.A1/7537/2017 and on 11.01.2018 in letter No.A1/49/2018.

For Petitioner : Mr. P.Subbiah

For Respondents : Ms.D.Farjana Ghoushia (R1 to R4)
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus, directing the respondents to disburse the insurance amount to the petitioner by considering the representations made by the petitioner.

2.The case of the petitioner is that he is the owner of the subject property and he had made banana plantation in the property. The petitioner also paid the Crop Insurance Premium to the fifth respondent Society on 25.11.2016. There was failure of crop, due to shortage of water and the petitioner completely lost the entire plantation. Hence, the petitioner made his claim under the Crop Insurance Scheme to the fifth respondent and claimed for 100% damages. An inspection was conducted by the fourth respondent/Deputy Director of Horticulture Department and the damages were assessed and it was found that the



W.P. (MD).No.15123 of 2021

petitioner has suffered 100% damages. The fourth respondent had recommended for the disbursal of the entire crop insurance amount to the petitioner for the year 2016-17. In spite of the same, there was absolutely no response from the second and third respondents and the amount was not disbursed. Hence, the petitioner made representations to the first respondent and the same also did not evoke any response. Left with no other alternative, the present writ petition has been filed by the petitioner.

3. Heard, the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4.

4. The materials placed before this Court shows that the petitioner has paid the premium before the fifth respondent on 25.11.2016 to the tune of Rs.6,463/- and the fifth respondent has also issued a receipt for the same. It is also clear from the records that pursuant to the claim made by the petitioner for suffering loss/damages, an inspection was made by the Horticulture Department and communications that have been sent to the petitioner at least on three



W.P. (MD).No.15123 of 2021

occasions shows that a report has already been submitted before the Government and that steps are being taken to get the amount to the petitioner. However, the disbursement of amount did not take place. The petitioner was also making representations before the first respondent and there has been no response made to the petitioner.

5.The learned counsel for the petitioner submitted that the petitioner had suffered 100% damages and he was pushed to financial distress and left with no other option, the petitioner has also sold the property, subsequent to filing of writ petition. The learned counsel further submitted that even though the property has been sold, whatever damages were suffered by the petitioner, is liable to be compensated under the insurance scheme.

6.The learned Special Government Pleader appearing for the respondents 1 to 4, submitted that the fourth respondent has already placed a proposal before the District Level Committee and the District Level Committee headed by District Collector will have to take a call on the claim made by the petitioner.



W.P. (MD).No.15123 of 2021

WEB COPY

7.Taking into consideration the facts and circumstances of the case and the submissions made on either side and also the materials placed before this Court, there shall be a direction to the first respondent to deal with the representations made by the petitioner on 25.10.2019 and 25.11.2019, based on the recommendations made by the Horticulture Department and take a decision, which shall be communicated to the petitioner, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a representation to the first respondent along with all the relevant documents and also copy of this order, in order to enable the first respondent to act upon the order immediately.

8.This writ petition stands disposed of in the above terms. No costs.

16.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM

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W.P. (MD).No.15123 of 2021

WEB COPY

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W.P. (MD).No.15123 of 2021

N.ANAND VENKATESH, J.

PNM

ORDER IN
W.P. (MD).No.15123 of 2021

16.11.2023