



W.P.(MD)No.15600 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15600 of 2021

C.Lakshmi

... Petitioner

vs.

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Tahsildar,
R.S. Mangalam Taluk Office,
R.S. Mangalam, Ramanathapuram District.

3.The Manager,
Central Co-Operative Bank,
R.S. Mangalam Branch, Ramanathapuram District.

4.Thangammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the thrid respondent to disburse the crop insurance deposited in the name of Tmt.C.Chandra W/o. Chandrapandiyam in A/c.No.709062655 an amount of Rs.4,30,000/- to the petitioner as legal heirs U/s.15(1) of Hindu Succession Act by consider the petitioner's representation dated 25.08.2021.



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For Petitioner :Mr.S.Pugalendhi
For R1 and R2 :Ms.D.Farjana Ghousia
Special Government Pleader
For R3 :Mr.D.Shanmugaraja Sethupathi
For R4 :Mr.T.Veerakumar

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the third respondent to disburse the crop insurance amount to the petitioner by considering the representation made by the petitioner on 25.08.2021.

2.The case of the petitioner is that the agricultural land was in possession and enjoyment of her brother Chandrapandiyan and the insurance policy also stood in his name, when he was alive. The brother of the petitioner passed away on 05.07.2015 and as a result, the property vested with his wife Chandra and as a consequence, the insurance policy also stood in her name. The said Chandra died on 26.05.2021. On the demise of her brother and her sister-in-law, the petitioner continues to cultivate the crops. The crops were insured and the crop insurance amount of Rs.4,30,000/- was due and payable by the third respondent



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Insurance Company. When the petitioner made a claim for the amount, a rival claim was also made by the fourth respondent, who is the mother of the deceased Chandra. As a result, the third respondent did not disburse the crop insurance amount and the representation made by the petitioner in this regard also did not evoke any response. It is under these circumstances, the present Writ Petition has been filed before this Court.

3.Heard Mr..S.Pugalendhi, learned Counsel appearing on behalf of the petitioner, Ms.D.Farjana Ghousia, learned Special Government Pleader appearing on behalf of the first and second respondents, Mr.D.Shanmugaraja Sethupathi, learned Counsel appearing for the third respondent and Mr.T.Veerakumar, learned Counsel appearing on behalf of the fourth respondent.

4.The learned Counsel appearing on behalf of the third respondent submitted that the insurance policy stood in the name of the deceased Chandra and bank account also stood in her name. The third respondent was willing to pay the crop insurance amount and since, there was a dispute between the petitioner and the fourth respondent, the third



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respondent was not able to take a decision as to whom this amount has to be paid. Therefore, the learned Counsel submitted that whatever directions are issued by this Court, the same will be complied with by the third respondent Insurance Company.

5. On carefully considering the submissions made by the learned Counsel for the petitioner and the learned Counsel for the fourth respondent, it is clear that the husband of Chandra was in possession and enjoyment of the agricultural lands and he died on 05.07.2015. Thereafter, his wife Chandra was doing the agricultural activities and the policy as well as the bank account stood in her name. She died on 26.05.2021. The fourth respondent is none other than the mother of the deceased Chandra. That apart, it is brought to the notice of this Court by the learned Counsel for the fourth respondent that it is only the brother of the deceased Chandra, namely, Thirunavukkarasu, who was the nominee under the policy. The petitioner is tracing her right from her brother by taking resort to Section 15(1) of the Hindu Succession Act and therefore, the petitioner is making a claim for the insurance amount.



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6. In the considered view of this Court, the crop insurance policy amount is payable only to Chandra, if she had been alive. On her demise, it is only her mother, who will be entitled to receive this amount. The petitioner cannot claim this amount on the ground that her brother was the owner of the agricultural land and that the said Chandra had acquired her right through him and therefore, the policy amount must be paid only to the petitioner. It is not necessary to complicate the case in this manner. This Court is not dealing with the *inter se* right of the parties with respect to the agricultural lands. This Court is only looking at the person in whose favour the policy amount has to be paid. The policy as well as the bank account stood in the name of the deceased Chandra and on her demise, the policy has to be necessarily go to the mother, namely, the fourth respondent, who is the Class-I heir. The petitioner cannot make any claim over the policy amount, when the mother of the deceased Chandra is very much alive. Therefore, the claim made by the petitioner for the policy amount is unsustainable and the relief sought for by the petitioner cannot be granted by this Court. It is not necessary for this Court to go into the question as to who was the nominee under the policy, in the light of the fact that the dispute is now only between the petitioner



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and the fourth respondent.

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7.In view of the above discussions, this Writ Petition is dismissed and there shall be a direction to the third respondent to disburse the crop insurance policy amount to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

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

07.11.2023

cmr

To

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Tahsildar,
R.S. Mangalam Taluk Office,
R.S. Mangalam, Ramanathapuram District.



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N.ANAND VENKATESH, J.

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