



W.P.(MD)No.18583 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18583 of 2020

T.Thirukannan

.. Petitioner

Versus

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Joint Director of Agriculture,
Office of the Director of Agriculture,
Ramanathapuram.
- 3.The Secretary,
Kadaladi Primary Agricultural Cooperative
Credit Society, Kadaladi,
Ramanathapuram District.
- 4.The General Manager,
Oriental Insurance Private Ltd.,
Thambu Chetty Street, Chennai - 600 001.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to direct the 4th respondent to grant the entire compensation for the loss of the petitioner's crops in Survey No.263 an extent of 2.70.50 Hectares, in view of crops insurance for the cultivating year 2018-2019, by considering his representation dated 19.11.2020.



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For Petitioner : Mr.A.Haja Mohideen
For R1 and R2 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R3 : Mr.K.Radhakrishnan
For R4 : Mr.E.Chandrasekaran

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 and 2 to direct the fourth respondent to pay the compensation for the loss sustained by the petitioner for the crops in Survey No.263, for the cultivating year 2018 - 2019, by considering the representation made by the petitioner on 19.11.2020.

2. The case of the petitioner is that he had cultivated Paddy in the fields at Survey Nos.261/2, 262/1 and 263. This cultivation was made for the year 2018 – 2019. The petitioner suffered loss and hence, he made his claim through Crop Insurance. The petitioner was paid the compensation insofar as Survey Nos.261/2 and 262/1 are concerned. However, insofar as Survey No. 263 is concerned, the compensation was not paid. Hence, the petitioner was making repeated representations. This did not evoke any response and hence, the present Writ Petition has been filed before this Court.



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3. On going through the materials, it is seen that the compensation for Survey Nos.261/2 and 262/1 was paid through the Ramanathapuram District Central Co-operative Bank Ltd., on 18.10.2019. This Co-operative Bank has not been made as a party in this Writ Petition. That apart, the petitioner has added the Oriental Insurance Company Ltd., as the fourth respondent, as if the insurance was taken before the fourth respondent.

4. The learned counsel appearing on behalf of the fourth respondent based on the written instructions received from the Regional Manager of the Oriental Insurance Company Limited, submitted that the crop insurance claim for the year 2018-2019 cannot be claimed from the fourth respondent, since the fourth respondent was not the insurer for the relevant place, where the property in Survey No.263 is situated.

5. In view of the above, the petitioner has given the representation on 19.11.2020 to the persons, who had nothing to do with the processing of the claim made by the petitioner for the compensation under Crop Insurance for Survey No.263. In view of the same, the relief sought for by the petitioner cannot be granted by this Court.



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6. It is left open to the petitioner to make a proper representation to the concerned authorities seeking for the compensation for Survey No.263. If the same is not acted upon, the petitioner can file a fresh Writ Petition by adding the correct parties as respondents. Except giving the above liberty, no further orders can be passed in this Writ Petition.

7. This Writ Petition is disposed of accordingly. No costs.

NCC : Yes/No
Index : Yes/No
smn2

06.10.2023

To

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N.ANAND VENKATESH, J.

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