



W.P(MD)No.11041 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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- 1.P.Kannan
- 2.P.Muthu Duraisamy
- 3.S.R.S.Marimuthu
- 4.K.S.Malaisamy
- 5.R.Pushparani
- 6.L. Vasuki
- 7.Muthuranjan
- 8.S.Rajendiran
- 9.R.Muthusamy
- 10.Boomiammal
- 11.M.Angusamy
- 12.K.Rasu
- 13.P.Muthumayandi
- 14.P.Maheswaran

... Petitioners

Vs.

- 1.The Deputy Registrar of Co-Operative Societies,
2/96F, Singara Thoppu, Melachatram,
Paramakudi Taluk, Ramnad District.



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2.The Joint Director of Co-Operative Societies,
Ramnad District, 3A, Palace South Street,
Ramnad.

3.The District Collector,
Ramnad District,
Ramand.

4.No.Q1212 Thaduthalankottai Primary
Agricultural Co-Operative Credit Society,
Rep. by its President / Secretary,
Thaduthalankottai, Paramakudi Taluk,
Ramnad District.

5.The Branch Manager,
Ramanathapuram District Central Co-Operative Bank,
Parthibanoor Branch, Paramakudi Taluk,
Ramanathapuram District.

6.The Manager,
Agricultural Insurance Company of India,
No.323, Andhra Insurance Building,
Thambuchetty Street, Chennai.

... Respondents

*(R5 & R6 are impleaded vide order dated
14.11.2022 in W.M.P.(MD)No.18755 of 2022 in
W.P.(MD)No.11041 of 2015 by RVJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the Impugned Proceedings in Na.Ka.3343/2014 Saba dated 05.12.2014 issued by the 1st respondent and quash the same



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and further direct the respondents to pay the compensation amount to the petitioner which was already credited in the 4th respondent's society within a stipulated time.

For Petitioners : Mr.K.C.Ramalingam

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 to R3.
Mr.Saravanan for R4.
Mr.D.Srinivasaragavan for R6.
No appearance for R5.

ORDER

Heard the learned counsel on either side.

2.The writ petitioners are agriculturist. For the agricultural season in question, the petitioners had paid premium to the fourth respondent and obtained crop insurance. It appears that the petitioners also availed jewel loan from the said society. On this occasion also, premium was collected for the second time from the petitioners by the society. The crops failed. The petitioners were paid the crop insurance amount.



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3.The petitioners later came to know that the insurance company / sixth respondent herein had credited sums in favour of the petitioners not only towards crop insurance but also towards jewel loan. The petitioners wanted payment of the said amount that was credited to their account. Since the society did not honor their request, petitions were filed before the Deputy Registrar of Co-Operative Society, Paramakudi. By the impugned communication dated 15.12.2014, the demand was negatived. Challenging the same, the present writ petition came to be filed.

4.The learned counsel for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

5.When the matter was taken up for hearing, the learned Additional Government Pleader for the official respondents / Co-Operative society as well as the learned standing counsel for the insurance company clarified that the agriculturist can seek only the crop insurance amount. The society had committed a mistake by receiving insurance premium for



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granting jewel loan. It is relevant to note here that the agricultural loan was without interest during the relevant period (2012 – 2013). There is absolutely no relation or link between the agricultural loan availed by the petitioners and the crop insurance transactions. If the request of the petitioners is accepted, that would amount to double claim.

6.I, therefore, sustain the order passed by the Deputy Registrar of Co-Operative Society, Paramakudi. But then, the conduct of the society cannot be lost sight of. The society erred in collecting premium from the petitioners herein. The collected premium amount shall be returned to the petitioners with interest at the rate of 6% per annum. It is obvious that the society had got double claim from the insurance company. Therefore, whatever amount that was credited by the insurance company in favour of the petitioners for the second time shall be returned. In fact, the learned Additional Government Pleader submitted that steps are being taken to return the amount erroneously obtained from the insurance company.



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7.This writ petition is disposed of with the aforesaid directions.

No costs.

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

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2/96F, Singara Thoppu, Melachatram,
Paramakudi Taluk, Ramnad District.
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G.R.SWAMINATHAN, J.

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