



WP(MD)No.21117 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.11.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.21117 of 2021

V.Natarajan

...Petitioner

/Vs./

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Joint Director,
Agriculture Department,
District Collectorate,
Sivagangai District.

3.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

4.The Branch Manager,
Oriental Insurance Company Limited,
No.119, Sathiyamoorthy Illam, Sekkalai Road,
Karaikudi, Sivagangai District.

...Respondents



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PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 4th respondent to disburse the crops insurance amount to the petitioner in S.F.Nos.105/6A, 105/6D, 105/8B, 105/9B, 106/4, 115/2A, 121/2B, 95/2A2, 105/10 total extent of 01.57.5 Hectares situated at Paulkulam Village, Kalayarkovil Taluk, Sivagangai District insured with the 4th respondent under the scheme of Pradhan Mantri Fasal Bima Yojana (PMFBY) for the year 2019-20 on the basis of petitioner's representation dated 12.11.2021 within a time stipulated by this Court.

For Petitioner : Mr.M.Prabu

For Respondents : Mr.K.S.Selvaganesan (R1 to R3)

Additional Government Pleader

Mr.C.Karthik (R4)

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the fourth respondent to disburse the crop insurance amount to the petitioner under the Pradhan Mantri Fasal Bima Yojana (PMFBY) scheme for the year 2019-2020 on the basis of petitioner's representation dated 12.11.2021 within the time stipulated by this Court.



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2. The case of the petitioner is that he is an agriculturalist, who had cultivated paddy, green gram, black gram, etc., during the year 2019 – 2020. Due to insufficient rain and failure of monsoon, there was scarcity of water and as a result, the petitioner incurred a loss. The further case of the petitioner is that he had paid the premium under the aforesaid scheme and he was awaiting the payment of the insurance amount. Since the insurance amount was not paid to the petitioner by the fourth respondent, the present writ petition was filed before this Court.

3. When the matter came up for hearing on 20.11.2023, this Court directed the learned counsel appearing for the fourth respondent to take instructions and report before this Court.

4. When the matter was taken up for hearing today, the learned counsel appearing for the fourth respondent brought to the notice of this Court certain shocking facts. Page 4 of the typed set of papers filed in support of this writ petition contains the receipt that is said to have been issued in the name of the father of the petitioner and for proper appreciation, the scanned copy is placed hereunder:-



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11/06/2015

Pradhan Mantri Fasal Bima Yojana - Crop Insurance (PMFBY - Crop Insurance)

Farmer Application Receipt

Application Receipt No: 0402331501500765236

Application Status: PAID

State : PMFBY
Scheme : TAMIL NADU
Year : 2019
Farmer Type : Small
Season : RAB



Farmer Name : VEERASAMY
Relative Name : KARUPPIAH
Mobile No. : 9175438736
Farmer Type : Non Loanee
Gender : Male

Account Number : 646402010006546
IFSC : UBI02564842
Bank Name : Union Bank Of India
Branch Name : Narvaizangalam
Bank Type : COMMERCIAL

Crop Details

District	Village	Survey no.	Crop (Ratio)	Area Insured (ha.)	Sum Insured (Rs)	Farmer Share (Rs)	Total Premium (Rs)
Sivagangai	Palkulam	105	Paddy - II	1.575	101146.5	1517.2	4531.59

Total Area Insured
1.575

Total Farmer
Premium
₹ 1517.2

Total Sum Insured
₹ 101146.5

Created by
Insurance Company
Help Line No.
Insurance Company
Address
Insurance Company
Email

FARMER
ORIENTAL INSURANCE
1800113485
The Oriental Insurance Company Ltd. Crop Cell, Head Office,
New Delhi
renukaahluwala@orientalinsurance.co.in

Sat Nov 30 2019 20:35:21 GMT +0530 (India Standard Time)

Disclaimer : This document is only a farmer's Premium policy/endorsement receipt, coverage under crop insurance will be subject to scrutiny of necessary documents and applicability of relevant provisions as per the operational Guidelines of respective schemes.

<https://www.pmfby.gov.in/pmfbyview?pid=0402331501500765236>



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5. The learned counsel appearing for the fourth respondent produced the details of the concerned receipt number and it is found that the relevant receipt pertains to a farmer, named Nandagopal Perumal belonging to Cuddalore District. The actual receipt number is also mentioned in the document that was placed before this Court and for proper appreciation, the scanned copy is placed hereunder:-

05/12/2021, 13:27 Pradhan Mantri Fasal Bima Yojana - Crop Insurance | PMFBY - Crop Insurance

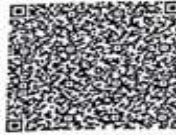
CSC Application

  **Pradhan Mantri Fasal Bima Yojana**
MINISTRY OF AGRICULTURE & FARMERS WELFARE

Receipt No: 040233190150076523601

Application Status : PAID APPROVED

State : TAMIL NADU
Scheme : PMFBY
Year : 2019
Application Type : NON LOANEE
Season : RABI
Created By : CSC
Created At : 29/11/2019



Farmer Details
Farmer Name : Nandagopal Perumal
Relative Name : So Perumal(son_of)
Mobile No. : 9443665849
Farmer Type : Small
Gender : Male

Bank Details
Account Number : 2924101011088
IFSC : CNRB0002924
Bank Name : Canara Bank
Branch Name : CHIDAMBARAM
Account Type : LOAN

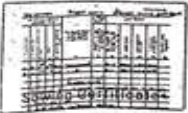
Crop Details

District	Village	IU Level	Crop	Survey No.	Sum Insured (₹)	Area Insured (Hect./Plants)	Gov. Share (₹)	Farmer Share (₹)
Cuddalore	Vasaputhur	Vasaputhur(Village)	Paddy - II	13/2	16929.38	0.23	2974.48	253.94
Cuddalore	Vasaputhur	Vasaputhur(Village)	Paddy - II	13/3	11776.96	0.16	2069.2	176.65

Total Area Insured : 0.39 Hect.
Total Premium Paid : ₹ 430.59
Total Sum Insured: ₹ 28706.34

Insurance Company : ORIENTAL INSURANCE
HelpLine / Email : 1800118485 / crop.grievance@orientalinsurance.co.in
Address : The Oriental Insurance Company Ltd.Crop Cell, Head Office, New Delhi

Attached Documents

Sun Dec 05 2021 13:27:37 GMT+0530 (India Standard Time)

<https://pmfb.gov.in/policyclaim/previewAcknowledgment?pid=4a1b6cc5c80d1dc7c3c2da8b5d232438191b357e7a>

ORIGINAL RECEIPT NO: 0402331901500765236



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6. The learned counsel appearing for the fourth respondent submitted that when the bar code contained in page 4 of the typed set of papers was scanned, no details were forthcoming. Whereas, when the bar code for the receipt issued to the said Nandagopal Perumal was scanned, it provided the entire details.

7. It is clear from the above that the petitioner has attempted to make an insurance claim based on a forged receipt. It has been sufficiently demonstrated by the learned counsel appearing for the fourth respondent that the receipt relied upon by the petitioner is a fabricated document.

8. In view of the above, the present writ petition stands dismissed. There shall be a direction to the fourth respondent to proceed further against the petitioner by giving a police complaint before the concerned jurisdictional police for fabricating a false receipt and relying upon the same before the Court.

9. In the instant case, Section 340 of Cr.P.C., will not apply, since Section 195 (1)(b)(ii) of Cr.P.C., will apply only when the offence is alleged to have been committed during the proceedings in a Court and the document was in *custodia legis*. The document in question was fabricated even before it was



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brought before the Court and therefore, independent criminal proceedings must be initiated against the petitioner. The concerned jurisdictional police shall act upon the complaint given by the fourth respondent and proceed further in accordance with law. No costs.

21.11.2023

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



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N.ANAND VENKATESH, J.

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TO:-

- 1.The District Collector,
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Sivagangai.
- 2.The Joint Director,
Agriculture Department,
District Collectorate,
Sivagangai District.
- 3.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

Order made in
W.P.(MD)No.21117 of 2021

Dated:
21.11.2023