



W.P.(MD)Nos.21794 and 18592 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.21794 and 18592 of 2021

and

W.M.P.(MD).No.3484 of 2022

W.P.(MD)No.21794 of 2021

P.Nagarajan

... Petitioner

Vs.

- 1.The Joint Registrar / Managing Director,
District Co-Operative Bank (SDCC Bank),
At the Cooperative Management, Training Institute,
Kanchirangal,
Sivagangai District
- 2.The Joint Registrar of Cooperative Society,
Sivagangai Region,
Opposite to Government Women's Art College,
Kanchirangal,
Sivagangai District.
- 3.The Deputy Registrar of Cooperative Society,
Sivagangai Region,
Opposite to Government Women Art College,
Kanchirangal,
Sivagangai District.



W.P.(MD)Nos.21794 and 18592 of 2021

4.The President,

N.N.628, Nattarasan Kottai Primary,
Agricultural Co-Operative Credit Society,
Nattarasan Kottai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the crop insured amount for the year 2017-2018 which is with the 1st respondent in Bank Account No.710266113 to tune of Rs.1,08,253.92/- with interest till the date of realization with the time limit stipulated by this Court based on the representation made by the petitioner dated 16.10.2021.

W.P.(MD)No.18592 of 2021

P.Ramalingam

... Petitioner

Vs.

1.The Joint Registrar / Managing Director,
District Co-Operative Bank (SDCC Bank),
At the Cooperative Management, Training Institute,
Kanchirangal,
Sivagangai District

2.The Joint Registrar of Cooperative Society,
Sivagangai Region,
Opposite to Government Women's Art College,
Kanchirangal,
Sivagangai District.

3.The Deputy Registrar of Cooperative Society,
Sivagangai Circle,
Opposite to Government Women Art Colege,
Kanchirangal,
Sivagangai District.



W.P.(MD)Nos.21794 and 18592 of 2021

4. The President,

N.N.628, Nattarasan Kottai Primary,
Agricultural Co-Operative Credit Society,
Nattarasan Kottai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the crop insured amount for the year 2017-2018 which is with the 1st respondent in Bank Account No.710266124 to tune of Rs.2,19,720.95/- with interest till the date of realization with the time limit stipulated by this Court based on the representation made by the petitioner dated 16.10.2021.

For Petitioners : Mr.R.Saravanan

For R-1 : Mr.D.Shanmugaraja Sethupathi

For R-2 to R-4 : Mr.K.S.Selvaganesan,
Additional Government Pleader
(In Both Writ Petitions)

COMMON ORDER

The issue involved in both these Writ Petitions are common and hence, these Writ Petitions were heard together and this common order is passed.

2. These Writ Petitions have been filed for a direction to the respondents to disburse the crop insurance amount for the year 2017-2018



W.P.(MD)Nos.21794 and 18592 of 2021

by considering the representations made by the petitioners on 21.04.2021 and 16.10.2021.

WEB COPY

2. The case of the petitioners is that they are agriculturists, who had raised paddy crops. They had insured the paddy crops under the Pradhan Mantri Fasal Bima Yojana (PMFBY) for the year 2017-2018. Due to drought conditions, the petitioners faced heavy loss. Hence, they made their claim for the insurance amount. The grievance of the petitioners is that the insurance amount was not paid to them and hence, these Writ Petitions were filed seeking for appropriate directions.

3. The learned Additional Government Pleader appearing on behalf of respondent Nos.2 to 4 submitted that the Secretary belonging to the fourth respondent Society had collected the premium amount both from the loanee and the non-loanee cultivators and bogus insurance claims were made in the name of the President of the fourth respondent Society and his family members. In view of the same, an enquiry was ordered under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, to probe into their irregularities and illegalities committed by the fourth respondent



W.P.(MD)Nos.21794 and 18592 of 2021

Society. This was put to challenge before this Court and the enquiry has been stayed by this Court in W.P.(MD).No.17670 of 2019. The learned Additional Government Pleader submitted that totally 18 policies come under this category and that without the completion of the enquiry, the claim made under those 18 policies cannot be processed and the compensation amount cannot be paid.

4. In the considered view of this Court, the second and third respondents have already identified the bogus claims made with respect to 18 claims which have already been segregated. If the claim made by the petitioners does not fall within those identified bogus claims, the same can be processed and the insurance amount can be paid to the petitioners. If on the other hand, the claim made by the petitioners also falls within the identified bogus claims, the petitioners will have to necessarily await for the completion of the enquiry and depending upon the result, revive their claims. This clarity will sufficiently take care of the interest of the petitioners.



W.P.(MD)Nos.21794 and 18592 of 2021

WEB COPY

5. In the result, there shall be a direction to the third respondent to deal with the claims made by the petitioners. If the claims made by the petitioners does not form part of the bogus claims, it shall be processed and the compensation amount shall be paid to the petitioners subject to their entitlement. This process shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. If on the other hand, the claims made by the petitioners falls within the scope of bogus claims, the petitioners will have to necessarily await for the completion of the enquiry and thereafter, revive their claims.

6. These Writ Petitions are disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

21.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



W.P.(MD)Nos.21794 and 18592 of 2021

WEB COPY

To

- 1.The Joint Registrar of Cooperative Society,
Sivagangai Region,
Opposite to Government Women's Art College,
Kanchirangal,
Sivagangai District.
- 2.The Deputy Registrar of Cooperative Society,
Sivagangai Region,
Opposite to Government Women Art Colege,
Kanchirangal,
Sivagangai District.
- 3.The President,
N.N.628, Nattarasan Kottai Primary,
Agricultural Co-Operative Credit Society,
Nattarasan Kottai,
Sivagangai District.



WEB COPY



W.P.(MD)Nos.21794 and 18592 of 2021

N.ANAND VENKATESH, J

tsg

W.P.(MD)Nos.21794 and 18592 of 2021

21.11.2023