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WP.No.5953/2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5953 of 2020
& WMP.No.6976 of 2020

Mr.V.Aravind

...Petitioner

vs.

1.The New India Assurance Company Limited,
Rep. by its Regional Manager,
PMFBY,
Regional Office-Chennai,
No.770-A, 2nd and 3rd Floors, Anna Salai,
Chennai – 600 002.

2.The Managing Director,
District Central Co-operative Bank Virthunagar,
Viruthunagar District.

3.The Secretary,
SP.SPL, 54, Primary Credit Agricultural Co-operative
Society,
Watrap Taluk, Maharajapuram Village,
Viruthunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the



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entire records relating to the proceedings of the 1st respondent in letter No.710000/PMFBY/2019 dated 5th December 2019, rejecting the compensation to the petitioner and quash the same as null and void and direct the respondents including the 1st respondent, the New India Assurance Company Limited to pay compensation in a sum of INR.2,76,128.96, together with reasonable interest and cost.

For Petitioners : Mr.C.Johnson

For R1 : Mr.J.Chandran

For R2 and R3 : Mr.G.Krishna Raja

ORDER

The rejection order passed by the first respondent New India Assurance Company Limited dated 05.12.2019 rejecting the payment of compensation to the petitioner is under challenge in the present writ proceedings.

2.The petitioner is an agriculturist and cultivating paddy and doing other cultivations in his lands measuring about 5.54 acres in Sy.Nos.650, 651, 654, 656, 657/1&2, 616/1, 642, 643, 644/1,2,3, 645/1, 645/2 of Kottaiyur Village, Srivilliputhur Taluk, Virudhunagar District. It



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is not in dispute that the petitioner is a member of Primary Credit Agricultural Co-operative Society. He availed an agricultural loan amount of Rs.2,75,000/- by pledging his jewels for cultivating paddy. The petitioner duly paid the premium and the same is not in dispute.

3.The petitioner incurred heavy debt due to drought and lost his investment made in the agricultural lands and therefore, the petitioner submitted an application to pay compensation. The entire Kottaiyur Village has been declared as drought affected area by the competent authority and all the persons have already received compensation from the insurance company as per the policy. The case of the petitioner was rejected mainly on the ground that the area sown for Kottaiyur Revenue Village under the Vachakarapatti Firka, Virudhunagar Block was zero and therefore, the petitioner is not eligible for any claim as per the operational guidelines of PMFBY Scheme.

4.The learned counsel for the petitioner mainly contended that the entire Kottaiyur Revenue Village was declared as an affected area and all the similarly placed agriculturist had received the compensation from



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the insurance company. Therefore, there is no reason to reject the claim of the petitioner.

5.The learned counsel for the respondents objected the said contentions by stating that the particular area in which the land belonging to the petitioner is situate was not considered as an affected area and therefore, the claim was not considered.

6.This Court is of the considered opinion that there is no document to establish that the land belonging to the petitioner is falling beyond the Kottaiyur Revenue Village or otherwise, so as to disqualify the petitioner from availing the benefit of the claim. Once, the entire Kottaiyur Revenue Village has been declared as drought affected area and all the agriculturists had received the insurance amount under the PMFBY Scheme, the case of the petitioner alone cannot be denied. In the absence of any such document to establish that the petitioner is not eligible to avail the benefit of the scheme, this Court is inclined to consider the case of the writ petitioner.



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7. In the present case, the policy has not been disputed and the membership of the petitioner also has not been disputed and further, the agricultural lands belonging to the petitioner situate in Kottaiyur Revenue Village and in view of the undisputed facts, this Court is inclined to grant the relief to the petitioner as is sought for. Accordingly, the respondents are directed to settle the insurance claim amount as admissible under the PMFBY Scheme within a period of eight (8) weeks from the date of receipt of a copy of this order. Secondly, the impugned order passed by the respondents in proceedings dated 05.12.2019 is quashed. Accordingly, the Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Internet: Yes/No

Speaking Order/Non-speaking Order



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S.M.SUBRAMANIAM, J.

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