



WEB COPY



W.P.No.18733 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.18733 of 2019

and

W.M.P.No.18084 of 2019

G.Govindarajan

... Petitioner

Vs.

1. Principal Secretary to the Government,
Agriculture Department,
Fort St. George, Chennai 600 009.

2. The District,
Collector, Tiruvarur District.

3. The Deputy Manager,
Agricultural Insurance Company of India Ltd.,
1st Floor, Andhra Insurance Building,
Old No.156/New No.323,
Thambu Chetty Street, Parrys Corner,
Chennai 600 001.

4. Joint Director of Agriculture,
O/o.The Joint Director of Agriculture,
Near District Collector Camp Office,
Tiruvarur District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, call for the records relating to the impugned order vide AICl / Govindarajan_reply /



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6003/2016 dated 21/12/2016 passed by the 3rd respondent and quash the same as illegal and further direct the 1st and 2nd respondent to monitor the situation and ensure that the petitioner should get the relief from the 3rd respondent.

For Petitioner : M/s.A.Ansar

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader,
(for R1, R2 & R4);

Mr.P.S.Kothanda Raman (for R3).

ORDER

The returning of the demand draft amount of Rs.2,310/- for CPIS, issued by the Agricultural Insurance Company of India Ltd., dated 21.12.2016, is sought to be quashed in the present writ proceedings.

2. The petitioner is an Octogenarian and owning an agricultural land to an extent of 4 hectares. He was growing 700 coconut trees and derived income from the coconut trees for his livelihood. He registered all the 700 coconut trees to the agricultural Insurance Company of India Ltd. which is aided by the Central Government since 2011. Due to nature's fury, the coconut trees were uprooted and the petitioner submitted an application



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seeking insurance sum assured. Since it was not paid to the petitioner, he filed a complaint before the consumer forum, in respect of one portion of the coconut trees. With reference to the other portion of the coconut trees in the same survey number, there was no insurance coverage and the petitioner sent a demand draft of Rs.2,310/- for issuing insurance policy. However, the respondent insurance company returned the demand draft stating that the complaint filed by the petitioner was pending before the consumer forum Thiruvavur in C.C. No.351/2016. The said complaint was allowed, appeal filed of the respondent was dismissed and the respondent agreed to settle the said compensation.

3. As far as the claim set out in the present writ petition is concerned, there was no insurance coverage and the demand draft sent belatedly by the petitioner was returned by the respondent insurance company. In the absence of any insurance policy, question of settling the claim would not arise at all.

4. The petitioner made an attempt to pay the insurance amount belatedly so as to claim compensation. Such attempts cannot be considered by this Court since as on the date of Cyclone Gaja, which resulted in



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uprooting of coconut trees, the policy cannot be retrospectively granted so as to claim compensation for the damages caused to the coconut trees farm.

5. Since the claim of the petitioner without any insurance policy is untenable, the relief as such sought for in the present writ petition cannot be granted. If at all, any insurance coverage is available under any policy, the writ petitioner is at liberty to claim the same.

6. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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S.M.SUBRAMANIAM. J.,

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