



W.P.No.24218 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24218 of 2023
and W.M.P.No.23678 of 2023

K G Balaji

... Petitioner

-Vs-

1. The Registrar Of Cooperative Societies,
N V Natrajan Maaligai,
Poonamallee High Road,
Kilpauk, Chennai 600 010.
2. The Joint Registrar Of Co-Operative Societies,
Office Of The Joint Registrar Of Co-Operative Societies,
Vellore Collectorate Campus,
Sathuvachari, Vellore 632 009.
3. The Deputy Registrar Of Co-Operative Societies,
Ranipet Region,
Ranipet District.
4. The Secretary,
Melkalathur Primary Agricultural Cooperative Credit Society
(G2025)
Anvarthikhanpet,
Arakonam Taluk,
Ranipet District.

... Respondents



W.P.No.24218 of 2023

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the third Respondent in proceedings in Naa. Kaa. 4849 / 2022 Saa. Paa dated 23.12.2022 and quash the same and consequently direct the respondents to credit / issue the necessary compensation entitled to the petitioner under the Pradhan Mantri Fasal Bima Yojana Scheme for crop loss incurred by the petitioner for the year 2021 due to heavy rain.

For Petitioner	: Mr.E.Manoharan
For R1 to R3	: Mr.P.Ganesan Additional Government Pleader
For R4	: Mr.T.M.Ranjangam

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 23.12.2022, thereby rejected the representation submitted by the petitioner.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is the owner of the lands to an extent of 2.78 acres in S.No.64/1, 64/2, 64/3, 64/4 and 64/5 situated at Kattupakkam Village, Nemili Taluk, Ranipet District. The petitioner had joined in the fourth respondent Society as a Member in the year 2020 and availed crop loan to the tune of



W.P.No.24218 of 2023

Rs.75,000/-. While being so, the petitioner had also paid a sum of Rs.1140/- to insure the crops, on 17.12.2020 vide receipt No.2233. Thereafter, the loan was sanctioned and a sum of Rs.76,000/- was disbursed on 28.12.2020. However, the grievance of the petitioner is that the loan was not insured even after the payment of premium of Rs.1140/-. Therefore, the petitioner submitted a representation to make the petitioner eligible for the purpose of availing benefits under the insurance. However, the petitioner made payment only on 17.12.2020. The cut off date for enrollment of receipt of premium from agriculturist was 30.11.2020 and for uploading the farmers details was on 15.12.2020. The petitioner availed loan on 28.12.2020 and as such, the petitioner was informed that it is not necessary to deduct crop insurance premium from cash portion or remittance of insurance premium by the petitioner. But the petitioner refused to accept the same and remitted a sum of Rs.1140/- on 17.12.2020. Therefore, it was kept in suspense account of the Society.

4. While being so, on 05.02.2021 the Government of Tamil Nadu decided to waive the crop loan issued by the Co-operative Bank. Accordingly, the Government passed an order in G.O.Ms.No.15, Co-operation, Food and Consumer Protection Department, dated 08.02.2021 for waiver of agriculture



W.P.No.24218 of 2023

loans issued by the Co-operative Banks and outstanding as on 31.01.2021.

Accordingly, the loan availed by the petitioner viz., Principal of Rs.76,000/- and Interest of Rs.496/- was waived by the Government and waiver certificate was also issued in favour of the petitioner on 23.02.2021.

5. The case of the petitioner is that in order to claim the insurance amount expecting the monsoon and if any loss incurred to the crops cultivated by the petitioner it should be compensated by the insurance. There is absolutely no proof to show that the petitioner sustained any loss to the crops cultivated by him. In order to claim insurance, if any damages or loss caused to the crops cultivated by the petitioner, the insurance amount will be paid.

6. In the case on hand, admittedly, the petitioner paid the premium amount after the cut off date viz., 17.12.2020. Whereas, the cut off date for payment of premium was on 30.11.2020. Therefore, the amount paid by the petitioner was kept in suspense account and it was not paid to the insurance company viz., Nodal Agency, Vellore District Central Co-operative Bank for implementation of Pradhan Mantri Fasal Bima Yojana Scheme. Further, the amount which was paid by the petitioner to the tune of Rs.1140/- in suspense account is also now transferred to the petitioner's account.



W.P.No.24218 of 2023

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7. The only contention raised by the petitioner is that the petitioner was not given an opportunity as directed by this Court before passing the impugned order. A perusal of the order revealed that it borne out by records. Therefore, this Court finds no infirmity or illegality in order passed by the third respondent and the writ petition is devoid of merits and is liable to be dismissed.

8. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

08.08.2024

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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W.P.No.24218 of 2023

G.K.ILANTHIRAIYAN. J.

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To

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