



W.P(MD)No.17771 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17771 of 2020

S.Sundarraaj

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Deputy Registrar,
Co-Operative Societies,
Kovilpatti,
Tuticorin District.

3.The New India Insurance Company Ltd.,
Victoria Street, Tuticorin,
Tuticorin District.

4.The Administrator,
Keelamudiman Primary Agriculture Cooperative Credit Society,
Keelamudiman Village, Ottapidaram Taluk,
Tuticorin District.

*(R4 is suo motu impleaded vide order dated
08.01.2024 in W.P.(MD)No.17771 of 2020 by GRSJ)*

5.Thoothukudi District Central
Cooperative Bank Limited,
Thoothukudi District.

... Respondents

*(R5 is suo motu impleaded vide order dated
23.01.2024 in W.P.(MD)No.17771 of 2020 by*



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GRSJ)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his proceedings in Na.Ka.2255/2020 Ka.va(1) dated 31.10.2020 and quash the same and for a consequential direction to the respondents to pay the balance insurance claim amount for the loss caused to the corn crops cultivated in the year 2018-2019.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.K.S.Selvaganesan,
Addl. Govt. Pleader for R1, R2 & R4.
Mr.N.Dilip Kumar,
Standing Counsel for R3.
Mr.D.Shanmugaraja Sethupathi for R5.

ORDER

Heard both sides.

2.The writ petitioner is an agriculturist. He is a member of the fourth respondent society. He paid the requisite premium under Pradhan Mantri Fasal Bima Yojana (PMFBY). The case on hand pertains to the year 2018 – 2019. It appears that some mistake was committed while uploading the details in the web portal. Instead of mentioning the taluk as Ottapidaram, it was mentioned as Villathikulam. The petitioner along with other villagers suffered crop loss. When claim was prepared, the insurance company stated that since wrong particulars had been uploaded, the claim will not be honoured. That led to the



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filing of this writ petition.

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3. Matters relating to crop insurance claim must be dealt with only by the District Level Monitoring Committee. Clause XVI-7 of the Operational Guidelines of Pradhan Mantri Fasal Bima Yojana reads as follows:-

“XVI. Procedure for Settlement of Claims to the farmers

7. Disputed claims / sub-standard claims, if any will be referred within three months of claim disbursement through SLCCCI/ State Government to DAC & FW for consideration and decision of DAC & FW in case of any interpretation of provisions of scheme or disputes will be binding on State Government / Insurance Company /Banks and the farmers.”

4. That the petitioner is an agriculturist is not in dispute. That he remitted premium is also not in dispute. That he suffered crop loss is also admitted. Therefore, he has to be paid the amount as assessed by the authorities. The only question is who has to pay the amount. The insurance company has to be exonerated because of the wrong entering of particulars. The petitioner is directed to lodge a fresh claim before the first respondent. The first respondent shall place the same before the aforesaid committee. The committee will issue notice to the respondents 4 and 5 and thereafter, fix the liability. In fact, even this exercise may not be required because guidelines state



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that it is only bank that is responsible for uploading and the concerned cooperative society cannot be made liable. The committee shall pass an appropriate order in this regard within a period of four weeks from the date of receipt of claim from the petitioner herein. Once such order is passed by the committee, the fifth respondent is bound to comply with same so that the petitioner is paid the insured amount. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.This writ petition is allowed on these terms. No costs.

16.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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4.The Administrator,
Keelamudiman Primary Agriculture Cooperative Credit Society,



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G.R.SWAMINATHAN, J.

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