



WP(MD)No.17879 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.17879 of 2018
and
WMP(MD)No.2367 of 2021

Ganesan

... Petitioner

Vs

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
 - 2.The Assistant Director of Agriculture,
Chatirakudi - 623 527,
Ramanathapuram District.
 - 3.The Regional Manager,
Agriculture Insurance Company of India Limited,
Old.No.156, New No.323,
Andhra Insurance Building 1st Floor,
Thambu Chetti Street,
Paarimunai, Chennai - 600 001.
 - 4.The Village Administrative Officer,
87, Ariyakudi Group,
Paramakudi Taluk,
Ramanathapuram District.
 - 5.The Authorised Officer,
M/s.Alegion Insurance Broking Pvt.Ltd,
New No.7C, Perumal Kovil Street,
Nerkundram, Chennai.
- ... Respondents

[R-5 is impleaded vide Court order dated 25.02.2021
in WMP(MD)No.2367 of 2021]



WP(MD)No.17879 of 2018

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 3rd respondent that to grant agriculture insurance amount to the petitioner under the Pradhan Mantri Fasal Bima Yojana [PMFBY] for the lands mentioned in the Adangal Certificate in Sl.No. 135190 issued by the 4th respondent by considering the petitioner's representation dated 11.06.2018 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik
For Respondent : Mrs.D.Farjana Ghousia
Nos.1, 2 & 4 Special Govt.Pleader
For Respondent : Mr.D.Srinivasa Raghavan
No.3

ORDER

The petitioner a farmer has approached this Court seeking a writ of mandamus directing the 3rd respondent to grant agricultural insurance amount to the petitioner under the Pradhan Mantri Fasal Bima Yojana [PMFBY] for the lands mentioned in Adangal S.No.135190.

2.The case of the petitioner is that he is having lands in S.Nos.456, 430, 448 and 241, wherein



WP(MD)No.17879 of 2018

he has raised crops. He has insured these agricultural crops by paying Rs.1050/-.

The Village Administrative Officer has issued two Adangals in S.No.135189 in respect of the lands in S.Nos.456, 430 and 448 and in S.No.135190 in respect of the lands in S.Nos.241/ 6A1 and 241/ 6A2. The petitioner claims that the agricultural insurance amount was given to the petitioner in respect of the lands mentioned in Adangal in S.No.135189, however, for the lands mentioned in Adangal in S.No.135190 the insurance amount was not given to the petitioner and therefore, this writ petition has been filed for an appropriate direction. The learned Counsel has relied on the receipt for a sum of Rs.1050/- as the amount paid by the petitioner for the insurance premium.

3.The learned Counsel for the 2nd respondent admitted in his counter that the petitioner was provided with two Adangals in S.No.135189 in respect of the lands in S.Nos.456, 430 and 448 and S.No.135190 in respect of 241/ 6A1 and 241/ 6A2 by the Village Administrative Officer, Ariyakudi.



WP(MD)No.17879 of 2018

The 2nd respondent has also admitted that the petitioner has paid a sum of Rs.1050/- as insurance premium on 24.11.2016..

4.The learned Counsel for the 3rd respondent submits that the petitioner has paid the premium amount only for the lands mentioned in the Adangal S.No.135189, for which a sum of Rs.46,225/- has already been provided to the petitioner as insurance amount. However, the petitioner has not paid any premium for the lands mentioned in S.No.135190.

5.In reply to the above submission, the learned Counsel for the petitioner referred to the counter affidavit of the 2nd respondent and submits that the 2nd respondent claims the premium amount for 0.86 hectares is Rs.693/- only. According to the petitioner this 0.86 hectares land is mentioned in S.No.135189 for which premium is only Rs.693/-, whereas the petitioner is having a receipt for payment Rs.1050/-.



WP(MD)No.17879 of 2018

6.This Court considered the rival submissions and perused the materials placed on record.

7.The petitioner is having two adangals issued by the Village Administrative Officer concerned in S.Nos.135189 and 135190, both carry several survey numbers. The petitioner has paid a sum of Rs.1050/- as insurance premium for those lands. He has received the insurance amount for the lands mentioned in S.No.135189. However, for the lands mentioned in S.No.135190, the insurance amount was not granted stating that the petitioner has not paid the insurance premium for the same. Perusal of the records shows that for the lands mentioned in S.No.135189 to an extent of 0.86 Hectares the insurance premium is Rs.693/-, whereas the petitioner has paid a sum of Rs.1050/- and it is also acknowledged by the Assistant Director of Agricultural, Ramanathapuram district in his counter affidavit. Therefore, it cannot be stated that the petitioner has paid insurance premium only for the lands mentioned in S.No.135189.



WP(MD)No.17879 of 2018

8.In view of the above discussion, this writ petition is allowed with a direction to the 3rd respondent to consider the case of the petitioner and award the insurance amount after conducting an enquiry with the petitioner. The petitioner shall approach the 3rd respondent along with all the necessary materials enabling him to pass orders.

9.The learned Counsel for the 3rd respondent submits that the insurance company has not accounted the money for the adangal in S.No.135190. If the 3rd respondent is having any grievance as against the insurance company, the 3rd respondent is at liberty to take action against the insurance company. No costs.

12.03.2024

Internet : Yes / No

DSK

To

6/8



WP (MD) No.17879 of 2018

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WP(MD)No.17879 of 2018

B. PUGALENDHI, J.

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WP(MD)No.17879 of 2018

12.03.2024