



W.P.(MD) No.18101 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.18101 of 2017
and
W.M.P.(MD) No.11853 of 2018**

Duraimanikam

... Petitioner

/vs./

- 1.The Secretary,
T.A62, Theeyathur Primary Agriculture
Co-operative Society Pvt.,
Avdaiyar Kovil Taluk,
Pudukottai.
- 2.The Deputy Registrar,
Tamil Nadu Co-operative Societies,
Kamatchi Amman Kovil Street,
Aranthangi,
Pudukottai District.
- 3.The Sub Registrar,
Tamil Nadu Co-operative Societies,
Co-operative Commercial Complex, Pudukottai 622 001.
- 4.The Managing Director,
Pudukkottai District Central Co-operative Banks,
Keela Raja Veedhi, Pudukkottai 622 001.



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5.The Secretary,
Tamil Nadu Government Co-operative Department,
Secretariat, Fort Saint George,
Chennai 600 009.

6.The Secretary,
Tamil Nadu Government Co-operative Department,
Secretariat,
Fort Saint George,
Chennai 600 009.

7.Agriculture Insurance Co-operative Department,
Regional Office,
Old No.156, New No.323,
Andhara Insurance Building First Floor,
Thambuchety Street,
Paris Corner,
Chennai 600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay sum of Rs. 2,19,700/- being the balance amount payable to the petitioners under the agricultural scheme towards the ordinary and additional coverage at interest 18% per annum.

For Petitioner	: Mr.R.Sundar Srinivasan
For R1 & R5	: No appearance
For R4	: Mr.D.Shanmugaraja Sethupathi
For R7	: Mr.D.Srinivasa Raghavan
For R2, R3 & R6	: Mr.Senthil Ayyanar
	Government Advocate



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ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents to pay sum of Rs.2,19,700/- being the balance amount payable to the petitioner under the agricultural scheme towards the ordinary and additional coverage at 18% interest per annum.

2.It is the case of the petitioner that the petitioner has paid premium to the first respondent against the crop losses under the National Agricultural Insurance Scheme (NAIS) for both normal coverage and additional coverage, to which the petitioner belongs to.

3.It is submitted that the 7th respondent, who is the Disbursing Authority, for the aforesaid loan insurance has paid a sum of Rs.2,57,300/- instead of Rs.4,77,000/- and thus, there is shortfall of Rs.2,19,700/-, as the petitioner has paid premium as additional coverage.

4.The learned Government Advocate for the respondents 2, 3 and 6 would submit that on enquiry, it was found that the first respondent has collected both



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premiums towards normal coverage and additional coverage and had been remitted with the fourth respondent Bank in full and that the first respondent had failed to mention in the schedule that how many farmers paid premium under normal coverage and how many of them opted for additional coverage.

5.It is submitted that instead, the Secretary, who handled the matter, had listed out all the farmers under one category. This resulted that the actual amount, which due from the Insurance Company, of Rs.2,77,82,191/- was reduced to Rs. 2,47,61,333/-. As such, there is shortfall of Rs.30,20,858/-, which meant for 71 farmers including the petitioner, who paid special premium for additional insurance coverage were affected.

6.Para 16 of the counter filed on behalf of the respondents 2, 3 and 6 reads as under:

“16.The enquiry report dated 28.10.2015, revealed that, though the premium that collected for both Normal Coverage and Additional Coverage had been remitted with 4th respondent bank in full, the 1st respondent society had failed to mention in the schedule that how many farmers paid premium under Normal Coverage and how many of them opted for Additional Coverage. Instead, the secretary who handled the matter had listed out all the farmers under one category. This resulted that the actual amount which due from



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the insurance company of Rs.2,77,82,191/- was reduced to Rs. 2,47,61,333/- And a short fall of Rs. 30,20,858/- which meant for 71 farmers including the petitioner, who paid special premium for Additional Insurance coverage were affected.”

7.It is submitted that the 7th respondent has acted upon as per the provisions of the NAIS and has disbursed the amount for Rabi 2012-13. Para 10 of the counter filed on behalf of the 7th respondent reads as under:

10. It is submitted that this respondent has acted as per the provisions of the NAIS scheme and has disbursed the claim amount for Rabi 2012-13 season STP Paddy II crop without undue delay on the part of this respondent. The details of consolidated premium received from the model bank “Pudukkottai District Central Co-operative bank” and claim was paid to the said model bank on 12/05/2013 and 01/06/2013 for further disbursement to the respective insured farmers is given below:

Tirukku	Farmer Type	Sum Insured Option	No of Farmer	Area Insured (Ha)	Sum Insured (Rs)	Claim Amount (Rs)
AAVUDAIYARKOIL	Loanee	ST Upto Loan Amount	792	558.94	1,24,86,300.00	83,90,661.02
	Non-Loanee	Normal Coverage	4750	5149.391	19,87,00,106.00	13,35,24,361.36
	Non-Loanee	Additional Coverage	0	0	1,17,79,544.00	90,59,707.35
	Loanee	ST Upto Loan Amount	527	554.94	1,03,95,000.00	94,92,885.61
	Non-Loanee	Normal Coverage	1726	4582.973	17,84,17,704.00	13,32,53,761.83
NIMISAL	Non-Loanee	Additional Coverage	0	0	89,53,754.00	81,76,715.97



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Firkiha	Farmer Type	Sum Insured Option	No of Farmer	Area Insured (Ha)	Sum Insured (Rs)	Claim Amount (Rs)
	Loanee	SI Upto Loan Amount	473	666.76	1,54,09,800.00	1,10,78,130.33
	Non-Loanee	Normal Coverage	3327	4207.647	12,61,59,119.00	9,78,85,012.50
PONPETIT	Non-Loanee	Additional Coverage	0	0	1,45,70,550.00	1,04,74,792.14
TOTAL			13595	16745.13	55,88,91,877.00	42,38,38,028.02

8.I have considered the submissions made by the learned counsel for the petitioner, learned Government Advocate for the respondents 2, 3 and 6 and the learned counsels for the respondents 4 and 7.

9.The petitioner, who is a farmer, cannot be faulted for the mistake committed by the Secretary and the first respondent in filing the details of the petitioner before the fourth respondent, who is the Nodal Authority.

10.The report also indicates that the additional premium was received by



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the 7th respondent and that only a sum of Rs.2,47,61,333/- was sanctioned as against Rs.2,77,82,191/-. The fact that the amount has been received towards additional coverage is not in dispute. Thus, the petitioner is entitled for the relief. Therefore, the 7th respondent is directed to release the balance amount of Rs. 2,19,700/- to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

11.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
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21.06.2024

To

1.The Deputy Registrar,
Tamil Nadu Co-operative Societies,
Kamatchi Amman Kovil Street,
Aranthangi,
Pudukottai District.

2.The Sub Registrar,
Tamil Nadu Co-operative Societies,

7/9



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Co-operative Commercial Complex,
Pudukottai 622 001.

3.The Secretary,
Tamil Nadu Government Co-operative Department,
Secretariat,
Fort Saint George,
Chennai 600 009.



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C.SARAVANAN, J.

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