

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1622 of 2014

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1. Ram Singh Son Of Late Munni Gope Resident Of Village - Ariawan,
P.O. Asharapur, P.S. Nagarnousa, District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. Chief Secretary, Government of Bihar, Old Secretariat, Patna
3. Principal Secretary, Co - Operative Department, New Secretariat, Patna -
800015
4. District Magistrate, Nalanda Collectorate , Bihar - Sarif, Nalanda
5. Yogesh Lohiya, Managing Director, Cum - C.E.O. (Chief Executive
Officer), IFFCO - Tokio, General Insurance Company Limited 4th / 5th
Floor, IFFCO - Tower Plot No. 3, Sector - 29, Gurgoan (Hariyana) Pin No.
122001
6. Jitendra Kumar, Business Head, Patna Planco Shanti Awas 1st Floor,
Block - C, New Patliputra Colony, Boaring Road, Patna - 800013

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Singh

For the Respondent/s : Mr. Ajay Kumar Rastogi, AAG-8

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 23-08-2016 Heard the learned counsel for the petitioner and the

State.

On going through the averments, it appears the petitioner claims himself as farmer who had grown the paddy during the season in 2012. Under the Crop Insurance Scheme, he claims to have registered himself and paid premium. The writ application prays for a direction to enquire about the rain fall measurement of the Nagarnousa Block in the District of Nalanda by an independent agency so that he may be benefited under the

Scheme.

It has been submitted that there is difference in the measurement of rain fall for the period in-question between the State Agency measurement and the measurement of the rain fall by the Insurance company on the direction of respondent no. 5. Indisputably, the Crop Insurance was made with respondent no.5. The petitioner has also prayed that upon such enquiry having been made and actual measurement of the rain fall during the said season ascertained, he should be directed to be paid for the loss of his crop insured with the respondent no.5.

On going through the relevant provisions and after hearing the parties, it appears to the Court that several disputed question of facts have been raised in this writ petition. That apart, the petitioner has several cause of action. He wants an enquiry with regard to the measurement of rain fall made by the Insurance Company and thereafter also raised a grievance with regard to the less payment or no payment under the Insurance Policy to him. If there is deficiency in discharge of liability by the Insurance Company, the matter can be agitated before the other forum. It would be inappropriate for this Court to appreciate these facts which are disputed in exercise of its power of judicial

review. The counsel for the State has also taken similar stand in order to oppose the writ petition. He has relied in this regard on **(2006) 5 SCC 255 (Sanjay Sitaram Khemka vs. State of Maharashtra and Ors.)**

Having heard the parties, in my view, the writ jurisdiction of this Court cannot be exercised to grant the relief(s) to the petitioner. The petitioner, however, may agitate his claim before the appropriate authority/forum in accordance with law.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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