

CWP No. 22298 of 2016 (O&M)

Date of decision : November 21, 2016

JAAGRUK KISAN MANCH TRUST

.....Petitioner

Versus**UNION OF INDIA AND OTHERS**

....Respondents

**CORAM:- HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Harsh Vardhan Shehrawat, Advocate for the petitioner.

S.S. SARON, J.

The petition has been filed by the Jaagruk Kisan Manch Trust through its President Sh. Satyawan Pannu for directing the respondent-State to conduct proper survey and follow due diligence in executing the procedure of crop insurance as envisaged under the notification dated 17.06.2016 (Annexure P-7) for the implementation of 'Pradhan Mantri Fasal Bima Yojana' (PMFBY) policy in letter and spirit. It is also prayed for directing the respondent-State to take prior consent from every farmers before doing crop insurance as there is no privity of contract between the farmers and the insurance company; besides, the farmers be apprised of the deduction of insurance premium from their bank accounts as in some cases the crops were being insured by the banks under the said policy without the knowledge of the farmers. It is further prayed that the banks be directed not to transfer any money from the loan accounts of the farmers to the accounts of insurance companies (respondents No.4 to 6) until they have set up proper offices at district headquarters as has been instructed by the respondent-State under the notification dated 17.6.2016(Annexure P-7). Besides, the setting aside of Clause II (2) of the Operational Guidelines of 'PMFBY'

has been sought in order to bring every farmer at par with the policy as at present under the said policy only the loanee farmers have been compulsorily covered whereas the said component is optional for other farmers and the benefits of the said policy are not available to farmers who have been declared defaulters (NPA) under KCC Scheme. The said clause, it is submitted, arbitrary, discriminatory and unilateral, besides, it is in gross violation of the rights guaranteed under Article 14 of the Constitution.

The learned counsel for the petitioner when confronted with the *locus standi* of the petitioner to file a Public Interest Petition in view of the judgment of this Court in Ajaib Singh v. State of Punjab, 2013 (4) PLR 367 (DB) and the judgment of the Hon'ble Supreme Court in Bhartiya Homoeopathy College, Bharatpur v. Students' Council, (1998) 2 SCC 449 submits that for the present he may be allowed to withdraw the petition and file a fresh one by giving necessary particulars of the credentials of the petitioner in compliance with the provisions of the Maintainability of Public Interest Litigation Rules, 2010; besides, judgment of this Court in Ajaib Singh v. State of Punjab, (supra) and the judgment of the Hon'ble Supreme Court in Bhartiya Homoeopathy College, Bharatpur v. Students' Council (supra).

The petition is, accordingly, dismissed as withdrawn with liberty as prayed for.

(S.S. Saron)
Judge

(Lisa Gill)
Judge

November 21, 2016
rts

Whether speaking/reasoned : Yes
Whether reportable : No