



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2017

WEB COPY

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.16337 of 2017

V.R.Thamilarasan

: Petitioner

.vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Authorised Officer,
ICICI Lombard General Insurance Company,
GV Complex, 3rd Floor,
Office No.11/1-B, Bye Pass road,
Darshini Garden,
Madurai.

: Respondents

(R-2 is impleaded vide Court order dated 07.09.2017
in W.M.P(MD)No.13447 of 2017)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus, directing the respondent to consider and pass orders on the representation made by the petitioner along with Uruvatti villagers dated 07.08.2017 and to grant crop insurance claim equally to all the villages in Devakottai Taluk by calculating the claim as 0.95% (deficit), totally to the extent of 357.7 hectare agricultural land have been insured by the people in Uruvatti village, Devakottai Taluk, Sivagangai District.

For Petitioner : Mr.J.Jeyakumaran

For R-1 : Mr.M.Govindan,
Special Government Pleader

For R-2 : Mr.K.K.Ramakrishnan

**O R D E R*************[Order of the Court was made by M.VENUGOPAL, J.]**

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the first Respondent to consider and pass orders on the representation made by the petitioner along with Uruvatti villagers dated 07.08.2017 and to grant crop insurance claim equally to all the villages in Devakottai Taluk by calculating the claim as 0.95% (deficit), totally to the extent of 357.7 hectare agricultural lands, which have been insured by the people in Uruvatti village, Devakottai Taluk, Sivagangai District.

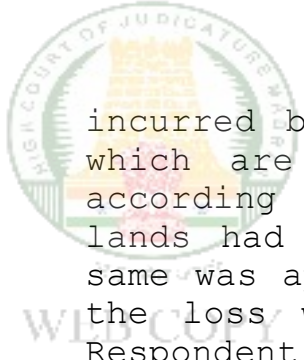
2. Heard both sides. No counter-affidavit is filed on behalf of the Respondents.

3. By consent, the main Writ Petition itself is taken up for final disposal.

4. According to the Petitioner, he is residing at Uruvatti village and nearly 2000 people were residing in the said village and most of them were farmers. Majority of the people do dependent on agriculture. Every year, the villagers used to take crop insurance under Pradhan Mantri Fasal Bima Yojana (PMFBY) Scheme. Similarly, in respect of the year 2016-2017, nearly 357 hectare agricultural lands have been insured by the people in Uruvatti village. They had paid a sum of Rs.330/- per acre as premium through NN.42G, Muppaiyur PACCS Primary Agricultural Co-operative Credit Society Limited.

5. The Learned Counsel for the Petitioner points out that the Scheme under Pradhan Mantri Fasal Bima Yojana (PMFBY), is to provide insurance coverage and financial support to the farmers in the event of failure of any of the notified crop as a result of natural calamities, pests and diseases. The Scheme was implemented through ICICI Lombard Insurance Company namely, the second Respondent under the overall guidance & control of the Department of Agriculture, Co-operation & Farmers Welfare (PAC & FW), Ministry of Agriculture & Farmers Welfare (MOA & FW), Government of India and the concerned State in co-ordination with various other agencies.

6. The grievance of the Petitioner is that during the year 2016-2017, insofar as Sivagangai District is concerned, the weather became erratic, monsoon failed and rainfall was very poor. The water bodies like village pond also dried up and the crops withered away. The farming community suffered irreparable loss and they were pushed into irreparable loss and therefore, the first Respondent/District Collector, Sivagangai District, Sivagangai, had directed the Authorities to calculate the loss



incurred by the farmers and to identify the agricultural lands, which are all affected by drought. But, the Authorities according to the Petitioner, without inspecting the agricultural lands had simply calculated the loss from satellite map and the same was approved by the first Respondent. As a matter of fact, the loss was calculated and a chart was issued by the first Respondent and deficit was calculated as 0.25% for Petitioner's Uruvatti village and declared the claim for Rs.46,80,548/-.

7. The Learned Counsel for the Petitioner draws the attention of this Court that around his Uruvatti village, several hamlets namely Nedodai(North), Kodikulam(North), Moovarkanmoi(West), Marakkathur(West), N.Manakudi(East), Ponnalikkattai(East) and the deficits were calculated by the first Respondent as 0.95% and their claims were approved to the tune of Rs.22,000/- (Per acre). As far as Uruvatti village is concerned, it is the plea of the Petitioner that totally 700 people had insured their crops. However, the first Respondent had calculated the loss only up to 0.25%. But, the surrounded villages were calculated as 0.95% loss.

8. The Learned Counsel for the Petitioner submits that the Authorities had not inspected the field in their village and simply calculated the deficit with the help of satellite map. In fact, the said calculation discriminates the agriculturists by making an unreasonable calculation by calculating that Uruvatti villlage suffered loss of 0.25% etc. Therefore, the villagers in entirety had made a representation to the first Respondent/District Collector, Sivagangai District in person on 07.08.2017 and requested him to grant claim equally to all the villages in Devakottai Taluk by calculating the claim as 0.95% to all the villages.

9. At this stage, the learned Special Government Pleader appearing for the first Respondent/District Collector, Sivagangai District, informs this Court that the representation of the Petitioner along with Uruvatti villagers dated 07.08.2017, will be considered by the first Respondent if certain time limit is determined by this Court.

10. Viewed in that perspective, this Courts directs the first Respondent, Sivagangai District to consider the representation of the Petitioner along with Uruvatti villagers dated 07.08.2017, within a period of six weeks from the date of receipt of a copy of this order.

11. It cannot be gainsaid that the first Respondent shall pass necessary orders on merits, of course, after providing opportunity to the Petitioner and others concerned by adhering to the principles of natural justice. Liberty is granted to the Petitioner to raise all the factual and legal pleas before the



first Respondent, who shall take into account of the same and advert to the aspects raised by the Petitioner at the time of disposing of the representation of the petitioner and the villagers dated 07.08.2017, of course in the manner known to law and in accordance with law.

12. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Sivagangai District,
Sivagangai.

+ 1 CC TO Mr.K.K.RAMAKRISHNAN, ADVOCATE IN SR No. 82340
+ 1 CC TO Mr.J.JEYAKUMARAN, ADVOCATE IN SR No. 82207
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 82663

PM
TE/KP/SAR-II : 25/10/2017 : 4P/5C

ORDER MADE IN
W.P. (MD) No. 16337 of 2017
10.10.2017