



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD) No.19624 of 2017

Malaikannu

: Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Authorized Officer,
ICICI Lombard General Insurance Company,
G V Complex, 3rd Floor,
Office No.11/1-B, Bye Pass Road,
Darshini Garden,
Madurai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus, directing the first Respondent to consider and pass orders on the representation made by the Petitioner along with Siriyur (Group) Villagers, dated 18.09.2017 and to grant crop insurance claim equally to all the Villages in Sivagangai District by calculating the claim as 95% (deficit) totally to the extent of Agriculture land have been insured by the people in Siriyur (Group) Village, (ie) Siriyur Village, Kunakkudai Village and Surakudi Village, Kalaiyar Kovil Taluk, Sivagangai District.

For Petitioner : Mr.M.Suresh

For Respondent No.1 : Mr.K.Guru,

Additional Government Pleader

For Respondent No.2 : Mr.K.K.Ramakrishnan

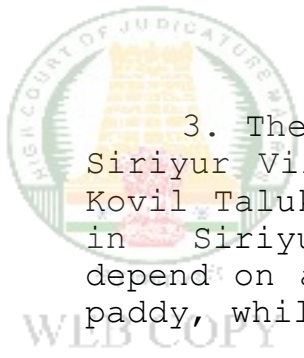
O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

Heard the Learned Counsel for the Petitioner, the Learned Additional Government Pleader for the first Respondent and the Learned Counsel appearing for the second Respondent.

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2. No counter is filed on behalf of the Respondents 1 and 2.

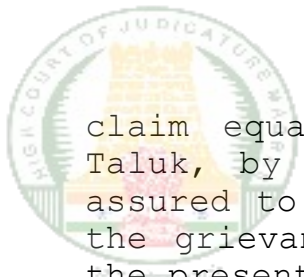


3. The Petitioner is residing in Siriyur (Group) Village (i.e.) Siriyur Village, Kunakkudai Village and Surakudi Village, Kalaiyar Kovil Taluk, Sivagangai District. Nearly, 2000 persons are residing in Siriyur (Group) Village and most of them are farmers. They depend on agriculture. The principal crop of Sivagangai District is paddy, while majority of the District has red soil.

4. The stand of the Petitioner is that sugarcane, groundnut, pulses and cereal, such as Millet, are grown and the Villagers used to take crop insurance under Pradhan Mantri Fasal Bima Yojana (PMFBY) Scheme. For the year 2016-2017, nearly 63 Hectares of agricultural land was insured by the people in Siriyur Village and they paid Rs.330/- per Acre towards premium through NN.191, Maravamangalam PACCS, Primary Agricultural Co-operative Credit Society Limited. It is brought to the notice of this Court on behalf of the Petitioner 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, to stabilize the income of the farmers to ensure their continuance in farming, to encourage farmers to adopt innovative and modern agricultural practices and to ensure flow of credit to the agriculture sector. It appears that the Scheme was implemented through ICICI Lombard General Insurance Company Limited (second Respondent) under the over-all guidance and control of the Department of Agriculture, Co-operation and Farmers Welfare, Ministry of Agriculture and Farmers Welfare, Government of India and the concerned State in co-ordination with various other Agencies.

5. The Learned Counsel for the Petitioner points out that in respect of Sivagangai District, during the year 2016-2017, the weather became erratic, monsoon failed and rainfall was very poor. The water-bodies, like Village pond also got dried up and the crops withered away. The Farming Community were pushed into an irreparable loss. Therefore, the first Respondent had directed the Authorities to calculate the loss incurred by the Farmers and to identify the agricultural lands which are all affected in drought. However, the Authorities, without inspecting the agricultural lands, had simply calculated the loss from satellite map and the same was approved by the first Respondent. The loss was calculated and a chart was issued by the first Respondent and deficit was calculated as 17% for the Petitioner's Village.

6. The grievance of the Petitioner is that around his Siriyur (Group) Village, there are several hamlets, viz., Pulavanvayal, Sembar, Sakkoor, Kolandhi and Marandhani and the deficits were calculated by the first Respondent as 95%. In respect of Siriyur (Group) Village, the Villagers had insured their crops. However, the first Respondent calculated the loss only upto 17%. But, in respect of the surrounding Villages, loss was calculated as 95%. The Petitioner and other Villagers had made a representation to the first Respondent on 18.09.2017 and requested him in person to grant



claim equally in respect of all the Villages in Kalaiyar Kovil Taluk, by calculating the claim as 95%. The first Respondent had assured to consider the request within a period of one week. Since the grievance of the Petitioner was not looked into, he has filed the present Writ Petition before this Court.

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7. Per contra, it is the submission of the Learned Additional Government Pleader appearing for the first Respondent that the representation of the Petitioner dated 18.09.2017 will be looked into by the first Respondent, within a time to be stipulated by this Court.

8. Considering the fact that the request of the first Respondent's side is a reasonable one and also, considering yet another fact that the representation of the Petitioner dated 18.09.2017 addressed to the first Respondent is pending as on date, at this stage, this Court, in the interest of justice and fair play, directs the first Respondent to look into the representation of the Petitioner and to pass necessary speaking orders, within a period of six weeks from the date of receipt of copy of this order, of course, after providing necessary opportunity to the Petitioner and others concerned, by following the Principles of Natural Justice. Liberty is granted to the Petitioner to raise all Factual and Legal pleas before the first Respondent, who shall advert to the same and answer the same in a complete and comprehensive manner, within the time adumbrated by this Court.

9. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To
The District Collector,
Sivagangai,
Sivagangai District.

+1cc to Mr.K.K.RAMAKRISHNAN Advocate in SR. No. 91168

+1cc to Mr.J.JEYAKUMARAN Advocate in SR. No. 91025

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 91472

SML

JS/SKN.RSK/SAR.1/20.12.2017/3P-5C

Order made in
W.P. (MD) No.19624 of 2017
05.12.2017