



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2018

CORAM

**THE HONOURABLE MR. JUSTICE V. PARTHIBAN**

W.P. (MD) No. 22629 of 2017

M. Raman

... Petitioner

**Vs.**

1. The Secretary to Government,  
Government of Tamil Nadu,  
Agriculture Department,  
Fort St. George,  
Chennai - 600 009.
2. The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
3. The Assistant Director of Agriculture,  
Ulavar Maiyam,  
Ramanathapuram - 623 501.
4. The Regional Manager,  
Agriculture Insurance Company of India Limited,  
1<sup>st</sup> floor, Andhra Insurance Building,  
No. 323, Thambu Chetty Street,  
Parry's Corner, Chennai - 600 001.
5. Alegion Insurance Broking Private Limited,  
rep. by its Managing Director,  
7C, Perumal Koil Street,  
Nerkundram,  
Chennai - 600 107.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to reimburse the amount to the petitioner as per Pradhan Mantri Fasal Bima Yojana (PMFBY) scheme forthwith.

For Petitioner : M/s.K.Hemakarthiskeyan

For Respondents : Mr.A.Muthukaruppan

AGP for R1 to R3

No appearance for R4 & R5

**ORDER**

The petitioner is an agriculturist and he is having agricultural land in S.Nos.100/5 (0.22 Hectares), 92/2B (0.55.5 Hectares), 100/3 (0.53 Hectares) & 198 (5.71 Hectares) and totally to an extent of 4.13 Hectares (10.20545 Acres) in Raja Surya Madai revenue village, Ramanathapuram Taluk. The Government of India has introduced an insurance scheme for the farmers which is called as Pradhan Mantri Fasal Bima Yojana (PMFBY) and its object 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 and to stabilise the income of farmers to ensure their continuance in farming and to encourage farmers to adopt innovative and modern agricultural practices and to ensure flow of credit to the agriculture sector. The Agricultural Insurance Company of India Limited (AIC) has been formed at the behest of Government of India and the same is implementing the scheme of the Government of India. The first respondent herein is implementing the said scheme in the State of Tamil Nadu and issued a Government Order in G.O.Ms.No.220, Agricultural (AP6) Department, dated 21.07.2016. Thereupon, the second and third respondents issued an advertisement calling upon the farmers to join in the Pradhan Mantri Fasal Bima Yojana (PMFBY) scheme and it was notified in the said advertisement that the premium per acre is Rs.332/- and assured the amount per acre was given as Rs.21,000/- for paddy and the amount will be varied depending upon various crops being cultivated in the lands.

2.The petitioner in response to the quotation, has paid a sum of Rs.3359/- for 4.13 Hectares of land owned by him and the receipt was issued in the name of the Agriculture Insurance Company of India Limited (AIC) on 11.11.2016. Thereafter, it appears that the petitioner has borrowed paddy seeds from the Tamil Nadu Civil Supplies Corporation, Ramanathapuram and the same was attested by the Village Administrative Officer on 14.11.2016 and thereupon cultivated the lands by raising paddy. However, due to failure of monsoon, the petitioner has suffered extensive loss and was not able to realize fruits of paddy cultivation. In this regard, the petitioner has sent a request to the second respondent to reimburse the money by way of crop insurance scheme. The third respondent in furtherance of the petitioner's request had also sent a letter to the fifth respondent recommending for reimbursement of the loss suffered by the petitioner. However, despite the recommendation of the third respondent, dated 15.11.2017, no action was forthcoming in settling the amount by way of crop insurance scheme. Therefore, the petitioner is before this Court seeking to issue a Writ of Mandamus directing the



fourth and fifth respondents to reimburse the amount to him in terms of Pradhan Mantri Fasal Bima Yojana (PMFBY) scheme.

3. After notice, Mr. A. Muthukaruppan, learned Additional Government Pleader entered appearance and filed a counter affidavit on behalf of the respondents 1 to 3. Although notice has been served on the respondents 4 and 5 and the same had been received, but it appears that there is no representation on behalf of the respondents 4 and 5.

4. When the matter is taken up for hearing today also, there is no representation on behalf of the respondent 4 and 5. Therefore, this Court has proceeded to pass orders, since it appears that the respondents 4 and 5 are not interested in defending their position.

5. Admittedly, the petitioner has insured the crops and paid necessary premium for the relevant years and on the basis of the premium paid and also based on the assurance of the respondents 4 and 5, the petitioner has not been compensated due the failure of monsoon for the relevant year. In view of the failure of monsoon, the petitioner was unable to realize the fruits of paddy sown by him. However, he approached the Insurance Company concerned, but no action was forthcoming and no reply had been sent to him either.

6. In this regard, it could be seen that the third respondent, authority concerned, has also recommended to the respondents 4 and 5 for recommending to take a decision in terms of the insurance company. However, despite the same, the respondents 4 and 5 have not reacted or responded. Even before this Court, they appear to be no representation. In view of the same, this Court has no other option except to allow the writ petition.

7. The Writ Petition, therefore, is allowed by directing the respondents 4 and 5 to reimburse the amount to the petitioner as per the Pradhan Mantri Fasal Bima Yojana (PMFBY) forthwith as admissible to the petitioner, within a period of two weeks from the date of receipt of a copy of the order. No costs.

Sd/-  
Assistant Registrar (Records)

/True Copy/



To

1. The Secretary to Government,  
Government of Tamil Nadu,  
Agriculture Department,  
Fort St. George,  
Chennai - 600 009.

2. The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

3. The Assistant Director of Agriculture,  
Ulavar Maiyam,  
Ramanathapuram - 623 501.

+ 1 CC TO Mr.HEMA KARTHIKEYAN, ADVOCATE IN SR No. 86906  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 86390

SKN

TE/SV/SAR-1 : 31/10/2018 : 4P/6C

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