

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.27210 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings of the 2nd respondent dated 18.4.2007 as illegal, arbitrary, violative of principles of natural justice and contrary to the National Agricultural Insurance Scheme formulated by Union of India and also G.O.Ms.No.905 dated 6.11.2004, and consequently, to direct the 2nd respondent to settle the Crop Insurance Claims of the petitioner-society.

2. Heard Sri P. Rajasekhar, learned Counsel for the petitioner and Sri K. Lakshman, learned Assistant Solicitor General.

3. It has been submitted by the learned Counsel for the petitioner-society that the members of the petitioner-society are all farmers and during the year 2004-2005, there was a severe drought in their area and the State Government declared Rambilli Mandal, Yellamanchili Division, Visakhapatnam District as drought affected area vide G.O.Ms.No.905 Revenue (DM-II) Department, dated 6.11.2004. Further, it has been submitted that the members of the petitioner-Society took crop Insurance policy and paid insurance premiums to the 2nd respondent, and the members of the petitioner-society suffered heavy loss because of drought during the year 2004-05 and therefore, they staked claims for grant of crop insurance under National Agricultural Insurance Scheme, but the 2nd respondent rejected their claim vide proceedings dated 18.4.2007, and the said proceedings are challenged in this writ petition on the ground that in spite of declaration made by the State Government in respect of Rambilli Mandal, Yellamanchili Division, Visakhapatnam District declaring it as

drought affected area, the 2nd respondent failed to settle the matter in favour of the members of the petitioner-society.

4. The learned Assistant Solicitor General has submitted that the crop insurance policies taken by the members of the petitioner-society are governed by the terms and conditions of the said policy and if the members of the petitioner-society stake their claims in terms of the policy, their case can be considered, but the insurance claim as a matter of right cannot be given merely because of the declaration made by the State Government declaring the area of the members of the petitioner-society as drought affected area.

5. Having considered the rival contentions made by the parties, this Court is of the view that the members of the petitioner-society cannot make their claim for crop insurance on the ground that the State of Andhra Pradesh declared their area as drought affected area vide G.O.Ms.No.905, dated 6.11.2004. The claim for crop insurance will be settled in accordance with the procedure mentioned in the impugned order dated 18.4.2007 and the crop insurance relief can be granted only in terms of the policy of insurance coverage. This Court cannot adjudicate the issue pertaining to the terms and conditions of the Crop Insurance Policy taken by the members of the petitioner-society. The present writ petition is not maintainable. However, liberty is given to the petitioner-society and its members to stake their claim for crop insurance strictly in terms of the policy of insurance coverage taken by the members of the petitioner-society.

6. With the above observations, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

29th March, 2018
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29.3.2018

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