

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2817 OF 2018

Appasaheb Chandrashekhar Shete
and others

.. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Anand V. Indrale Patil, Advocate h/f Shri Laxmikant C.
Patil, Advocate for Petitioners.

Shri S. M. Ganachari, A.G.P. for Respondent Nos. 1, 3 to 5.

Shri D. S. Kulkarni, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 07TH FEBRUARY, 2019.

FINAL ORDER :

. Mr. Patil, the learned advocate for petitioners submits that, petitioners are aggrieved by non payment of crop insurance claim for Kharip season 2015 as per the National Crop Insurance Scheme and Government Resolution dated 04th June, 2015. Some of the talukas in Osmanabad district have been declared to be drought affected areas. The petitioners had deposited necessary premium for getting crop insurance as per National Crop Insurance Scheme for Kharip season 2015. The learned advocate further submits that, though the District Collector

declared paisawari of the concerned villages below fifty paise, the petitioners have not received their insurance claim. The respondent No. 3 in its reply states that, representation is not received by him. It is the respondent No. 3 who is the controlling authority.

2. Mr. Kulkarni, the learned advocate for the respondent No. 2 submits that, nowhere in the petition it is stated that, for which crop insurance is paid by petitioners. The respondent/State has submitted that, the crop insurance was for sugar cane crop and the yield of the sugar cane was not below average yield.

3. The learned Assistant Government Pleader makes submissions in tune with the affidavit filed by the Deputy Director of Agriculture and submits that, in case of sugar cane crop of Tuljapur taluka claims are not payable as actual yield of sugar cane crop does not fall short of threshold yield for Kharip season 2015.

3. From the petition nowhere it can be gathered that, petitioners have paid premium towards the crop insurance of a particular crop. It is only in respect of notified crop the insurance claim can be made as per G. R. dated 04.06.2015. In absence thereof, the claims of petitioners in the present writ

petition cannot be considered, more particularly affidavit filed by the concerned respondents.

4. In the light of the above, in the present writ petition no relief can be granted to petitioners. However, if petitioners can show before authorities the crop for which they had paid premium with necessary details, then petitioners may approach the respondent No. 3 in this regard. The respondent No. 3 on receipt of the representation may consider the same on its own merits.

5. In view of the above, the writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]