

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 1293 OF 2014

Smt. Sunanda w/o. Shrihari Adhapure,
Age 50 years, Occu. Household,
R/o. Ghat Nandur, Tq. Shirur,
Dist. Beed.

....Petitioner.

Versus

1. The State of Maharashtra,
Through its Secretary,
Agriculture and Animal Husbandry
Department, Mantralaya, Mumbai.
2. Taluka Agricultural Officer,
Shirur Kasar,
Tq. Shirur, Dist. Beed.
3. The District Superintendent
Agricultural, Beed, Tq. & Dist. Beed.

....Respondents.

Mr. N.B. Narwade, Advocate for petitioner.

Mr. A.V. Deshmukh, AGP for respondent Nos. 1 to 3.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.
DATED : 07/03/2019**

ORAL JUDGMENT :

1) Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal. The matter is in respect of the scheme of Government to cover risk to farmers of death in accidents.

2) The proceeding is filed to challenge the communication

made by Taluka Agricultural Officer, Shirur dated 4.1.2011. The Agricultural Officer returned the proposal made in respect of the petitioner to the District Superintendent of Agricultural Office, Beed on the ground that the proposal was not received in time. Copy of the application shows that the husband of the petitioner died on 8.8.2008 and she filed claim on 27.10.2010. It appears that under the scheme, the proposal needs to be made within 90 days, but in exceptional circumstances, it can be considered beyond the period of 90 days. In any case, under the scheme, the Government pays premium for farmers and from the policy purchased by the Government, it shows that the liability is of the Insurance Company to pay the compensation. In such circumstances, the decision needs to be taken by the Insurance Company and not by the Agricultural Officer. The Agricultural Officer is bound to forward the proposal to Insurance Company with whatever material available and then it is up to the Insurance Company to take decision. So, it is hereby directed that the Taluka Agricultural Officer shall send the proposal along with all the papers to the Insurance Company within 15 days from today. In aforesaid terms, the petition is allowed and disposed of.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/