



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.172 of 2019

S.Prabakar Durai

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by the Principal Secretary,
Department of Agriculture,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The District Collector,
Tuticorin District.

3.The Regional Manager,
New India Assurance Company,
Chennai.

4.The Tahsildar,
Ettayapuram Taluk,
Tuticorin District.

5.The Assistant Director,
Statistical Department,
Tuticorin.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd Respondent to disburse the Insurance amount to the agriculturists of Sub-Taluk of Padarnthapulli, Ettayapuram Taluk, Tuticorin District who insures their crops, with the 3rd respondent under the scheme of Pradhan Mantri Fasal Bima Yojana (PMFBY) for the year 2016-17 on the basis of petitioner's representation dated 04.12.2018 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Diwakar

For Respondents 1, 2, 4 & 5 : Mr.A.K.Baskarapandian
Special Government Pleader

For 3rd Respondent : Mr.G.Prabhu Rajadurai

**O R D E R**

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The petitioner, who is a resident of M.Kumarettaiya Puram Village, Kalukalasapuram Panchayat, Ettayapuram Taluk, Tuticorin District, came forward to file this Writ Petition styled as "Public Interest Litigation", exposing the cause of agriculturists, who are doing cultivation in Ettayapuram Taluk.

2. According to the petitioner, the agriculturists in the said Taluk believing the words of the respondents 2 and 3 as to the benevolence available under Pradhan Mantri Fasal Bima Yojana (PMFBY) Scheme had insured their crops for the Rabi Season of 2016-17. It is further averred by the petitioner that the authorities have already surveyed the lands and a report has been filed stating that there was a drought and as a consequence there was a failure in the yield of the crops. Petitioner would further state that during the said season, crops viz., Maize, Greengram, Blackgram, Cotton and Millet were cultivated and except Maize in respect of the rest of the crops insurance claim has been settled.

3. It is also pointed out by the learned counsel appearing for the petitioner that with regard to the Maize, the Crop Insurance Scheme was rejected as the concerned department referred as "0" irrigation. On account of the said mistake, innocent farmers numbering more than 500, who irrigated Maize crops in around 2500 hectares got affected and subsequently the said mistake was also rectified and necessary recommendation has been made by the concerned officials and despite their report no action has been taken to settle the insurance claim and therefore, the petitioner has come forward to file this Writ Petition.

4. This Writ Petition was entertained on 04.01.2019 and notice was issued to the respondents and the second respondent has also filed his counter affidavit. It is relevant here to extract paragraph Nos.11 and 12 of the said counter affidavit:

"11. It is respectfully submitted that in the meeting conducted with the Regional Manager, NIA, Chennai on 22.10.2018 in the Directorate of Agriculture, Chennai it has been decided to get the area sown of the crops viz., Maize, Cholan, Cumbu, Gingelly, Cotton, Sunflower, Onion and Chillies in certain Revenue Villages of Padarnthapuli firka (Ettayapuram Taluk) for the past 10 years and the Satellite imageries for the crops (for which DES has revised the area sown details) during 2016-17 from TNAU and make a comparative study to assess the genuineness of the revised area sown data given by the DES and send it NIA head office for necessary claim settlement.



12.It is respectfully submitted that the above requested area sown details for the past 10 years for Maize, Cholan, Cumbu, Gingelly, Cotton, Sunflower, Onion and Chillies in Kaluhasalapuram, Thalaikattupuram, Velidupatti, N.Pudupatti, T.Thangammalpuram, Padarnthapuli, Ramanoothu, Perilovanlpatti villages of Padarnthapuli firka (Ettayapuram Taluk) and the available satellite imagery from TNAU (for the above crops for which DES has revised the area sown details) were collected and sent to Directorate of Agriculture, Chennai through District Collector on 28.11.2018. The Same details were also communicated to Insurance Company through Directorate of Agriculture, Chennai for early release of Insurance claim settlement.

The Operational Guidelines of Pradhan Mantri Fasal Bima Yojana issued by the Government of India (Para XI.3.(g), 6. (a) the Satellite imagery being one of the proxy indicators to invoke the risk, the company sought the imageries (Para XI.3.(g), 6.(a) of the Operational Guidelines of Pradhan Mantri Fasal Bima Yojana issued by the Government of India) from Tamil Nadu Agricultural University, Coimbatore as they were the authorized agency of Government of Tamil Nadu as per the tender agreement.

As per the above guidelines to rectify the area sown data discrepancy, Satellite imagery of the related 8 villagers were already furnished to Insurance Company and request to early release of claim settlement to Padarnthapuli Firka villages."

5.The second respondent also took a stand that it is the responsibility of the concerned insurance company to release the compensation amount to Padarnthapuli Firka villages and prayed for appropriate directions to the concerned insurance company to pay the compensation amount in favour of the farmers of Padarnthapuli Firka, Ettayapuram Taluk, Tuticorin District.

6.Mr.G.Prabhu Rajadurai, learned Standing Counsel appearing for the third respondent has drawn the attention of this Court to the communication of the Director of Agriculture, Chepauk, Chennai - 5 in Lr.No.G1/170277/2017 dated 15.02.2019 addressed to the third respondent and would submit that the Satellite Imagery Report for the area sown of Maize and Cotton during 2016-17 for Padarnthapuli Firka have been sent to New India Assurance Company to consider the revised area sown data furnished by Department of Economics and Statistics for the purpose of processing the claim and would add that the said materials received has been sent to Mahalanobis National Crop Forecast Centre, Near Krishi Vistar Sadan Pusa Campus, New Delhi, Delhi 110012, coming under the Ministry of Agriculture, Union of India and in principal the Insurance Company has agreed to



settle all the farmers of the concerned area under the Pradhan Mantri Fasal Bima Yojana (PMFBY) Scheme and prays for appropriate orders.

7.This Court has considered the rival submissions and perused the materials placed before it.

8.In the light of the above facts and circumstances of the case, this Court is of the considered view that the third respondent insurance company has resiled from the earlier stand and took a firm decision to compensate all loss under Pradhan Mantri Fasal Bima Yojana (PMFBY) Scheme for the Rabi Season 2016-17 to the eligible farmers coming under the above said notified area.

9.It is represented by the learned counsel appearing for the petitioner that the eligible farmers are suffering very much on account of belated consideration/settlement of the insurance claim and hence prayed for fixing an outer time limit for payment of compensation.

10.In the result, this Writ Petition is disposed of with a direction to the third respondent to settle the insurance claim to the eligible farmers of Padarnthapulli Firka, Ettayapuram Taluk, Thoothukudi District within six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The District Collector,
Tuticorin District.

3.The Tahsildar,
Ettayapuram Taluk,
Tuticorin District.



4.The Assistant Director,
Statistical Department,
Tuticorin.

5.The Director of Agriculture Department,
Chepauk, Chennai - 5.

6.The State Level Coordination Committee on Crop Insurance,
Chepauk, Chennai - 5.

7. Mahalanobis National Crop Forecast Centre,
Near Krishi Vistar Sadan Pusa Campus,
New Delhi, Delhi 110012

+1 CC to Mr.S.DIWAKAR, Advocate SR-80073.

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate SR-80439.

+1 CC to SPL GP SR-80595.

W.P (MD) No.172 of 2019

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