

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15871 of 2014

1. Jai Narayan Rai, S/o Sri Raghunath Das R/o village P.O. Kolua Thikha, P.S. Purnahia, District - Sheohar
2. Ajay Kumar Singh [Chairman of Barahi Jagdish PACS] S/o Sri Sheo Chandra Singh R/o village - Barahi, P.S. P.S. Purnahia, District - Sheohar
3. Krisna Nandan Prasad, [Ex. Deputy Chairman of Zila Parishad Sheohar] S/o Late Sita Ram Sah R/o Village - Shankarpur Bindhi, P.O. Bhagwanpur, P.S. Piprahi, District - Sheohar

... .. Petitioner/s

Versus

1. The Union Of India Ministry of Agriculture, a Department of Agriculture and Co-operation, Krishi Bhawan, New Delhi, through its Secretary.
2. The Assistant Director (Credit), Department of Agriculture and Co - Operation, Krishi Bhavan, New
3. The State of Bihar, Co - Operative Department, Government of Bihar, Vikas Bhawan, Baily Road Patna through its Principal Secretary.
4. ICICI Lombard General Insurance Company Ltd., having its Head office at Zenith House, Keshavrao Kha 2nd Floor, Uma Complex, Frazer Road, Patna through its Managing Director and Chief Executive officer
5. Agriculture Insurance Company of India Ltd., Amardeep, 13th Floor, K.G. Marg, New Delhi - 110001 through its Chairman cum Managing Director.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Agrawal, Advocate
For the Respondent/s	:	Mr. P.N. Sahi, AAG 10
		Mr. Y.V.Giri, Sr. Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2020

Petitioners have prayed for the following



relief(s):-

“i] For issuance of appropriate writ(s) in the nature of mandamus commanding the respondents to re-consider the payment of insurance claim to the farmers of district of Sheohar under the Weather Based Crop Insurance Scheme (WBCIS) which has been arbitrarily and dishonestly denied to them inspite of the fact that as per the Weather Report the farmers are entitled for the same;

ii] For issuance of appropriate writ(s) in the nature of mandamus commanding the respondents particularly, the Respondent-Principal Secretary, Department of co-operation, Government of Bihar, Patna and its Officials to discharge their legal obligation in terms of Weather Based Crop Insurance Scheme for Rabi crop during 2012-13 for ensuring the payment of claim to the farmers of Sheohar which has been denied to them in utter discrimination;

iii] For issuance of appropriate writ(s) in the nature of mandamus commanding the respondents to provide choice of insurance company to the farmers for taking their insurance coverage under the WBCIS;

iv] For issuance of appropriate direction to the Respondents, ICICI Lombard GIC Ltd. 2nd floor, Uma Complex, Frazer Road, Patna, for paying compensation leading to actual crop loss to insured farmers during Rabi 2012-13 season which was covered under the Pilot



Weather Based Crop Insurance Scheme with interest from the date of claim till the date of payment as it has wrongly denied the claim of the farmers of the district of Sheohar.”

On 17th of February, 2020, we had passed the following order:

“We are made to understand that the State Government has already taken up appropriate action for release of their share of money which was to be disbursed to the farmers towards Insurance Company.

Communication dated 7th of February, 2020 is taken on record.

Sri Giri states that all formalities in compliance thereof already stand completed, inasmuch as the affidavit, copy of which is also taken on record, stands furnished to the appropriate authority.

Sri Rajan Sahay appearing for Respondent No. 5 states that the amount received from the State Central Government shall be remitted into the account of respondent No. 4.

We direct that the needful be positively done within a period of one week from today.

With the Respondent No. 4 having received the amount, we are hopeful that the same would be remitted directed into the account for the rightful claims.

Let affidavit of compliance be filed by all



the respondents within three weeks.

List on 17.03.2020.”

Shri Y.V. Giri, learned Senior Advocate has placed on record communication dated 12th of March, 2020 indicating that each one of the farmers have now received the amount assured under the Insurance cover and as such with the passage of time, the present petition has outlived its purpose for the relief already stands granted.

Shri Alok Kumar Agrawal, learned counsel for the petitioner, does not dispute such fact. However, he submits that the Insurer and the State must be put to certain terms by way of imposition of costs for having delayed in releasing the amount to the farmers.

Having considered the rival contentions, we are of the opinion that the issue of payment of cost or damages is left open to be agitated by the farmers/claimants in an appropriate proceedings, in so far as the present petition filed by way of Public Interest Litigation is concerned, it has outlived its purpose and has to be closed.

As such, the present proceedings is closed and the petition disposed of with liberty to individual farmers to pursue their remedies in accordance with law.

Interlocutory Application(s), if any, also stands



disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

