BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.14028 of 2020

Somasundaram ... Petitioner

Vs.

1) The Senior Regional Manager,
Agriculture Insurance Company of India Ltd;
No.323, 1st Floor, Andra Insurance Building,
Thambu Chetty Street, Parrys Corner, Chennai-1

2) The District Collector,
Ramnad District.

3) The Tahsildar, R.S.Mangalam Taluk,
Ramnad District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents more particularly the 1st respondent to credit the crop insurance amount payable to the petitioner for the year 2017-2018 (Rabi-2017) in his bank account forthwith.

For Petitioner : Mr.D.Venkatesh
For RR 2 & 3 : Mrs.V.P.M.Vaishnavi
Government Advocate.

O R D E R

Mrs.V.P.M.Vaishnavi, learned Government Advocate accepts notice for the respondents 2 and 3. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed seeking for a Mandamus to direct the respondents, more particularly, the first respondent to credit the crop insurance amount allegedly payable to the petitioner.

3. It is the case of the petitioner that, he is an agriculturalist, holding an extent of 10.745 hectares at Uppur Village, R.S.Mangalam Taluk, Ramnad District. According to him, the first respondent is the Authority, issuing crop insurance under the Pradhan Mantri Fasal Bima Yojana (hereinafter referred as 'PMFBY' Scheme) introduced by the Central Government. According to the petitioner, as per the PMFBY Scheme, the insurance premium has to be paid through the local Cooperative Societies.

4. The petitioner is a member of the local Cooperative Society. As per the PMFBY Scheme, the petitioner has paid a sum of Rs.8,708/- towards crop insurance premium through N.N.560

Paranur Primary Agriculture Co-operative Society at Uppur for the year 2017-18 vide receipt, dated 23.11.2017. As per the said PMFBY Scheme, the concerned Co-operative Society will send the details of the persons paying the insurance premium to the first respondent. The insurance amount will be paid, if the Government announces a particular period as a drought year. According to the petitioner, the year 2017-18 was announced as a drought year and therefore, he was expecting the insurance amount from the first respondent to be credited into his bank account.

5. According to the petitioner, the second and third respondents have also recommended the case of the petitioner to the first respondent and in their respective communications, dated 07.11.2019 and 10.01.2020, they have stated that, the petitioner is eligible for Crop Insurance Scheme. Since the first respondent failed to pay the insurance amount as per the aforementioned PMFBY Scheme, the petitioner, through his lawyer has also sent a legal notice, dated 06.05.2020 to the first and second respondents, calling upon the first respondent to disburse the crop insurance amount. In fact, the "Uzhavan" Application, which is a mobile application created by the State of Tamil Nadu discloses that the petitioner is entitled for Crop Insurance, in respect of his agricultural lands measuring 10.745 hectares and that he has also paid Rs.8,798.06/-as the insurance premium amount.

6. The petitioner has also given a self declaration affidavit, as required under the PMFBY Scheme, which has also been confirmed by the second respondent in their communication, dated 10.01.2020. However, by the reply, dated 24.09.2020 to the legal notice, dated 06.05.2020 sent by the petitioner, the first respondent has informed the petitioner that he has not submitted the self declaration affidavit as well as the recommendation issued by the third respondent for the grant of Crop Insurance to the petitioner. Therefore, they have not considered his application for grant of Crop Insurance. In such circumstances, the petitioner has filed this writ petition seeking for a positive direction from the first respondent for disbursement of the Crop Insurance to him.

7. A positive direction sought for by the petitioner cannot be granted by this Court at this stage. In the reply, dated 24.09.2020, the first respondent has not rejected the application. They have only stated that the petitioner has not submitted the self declaration affidavit as well as the recommendation of the third respondent. However, as seen from the typed set of papers filed before this Court, both the requirements seem to have been duly fulfilled by the petitioner. In such circumstances, the first respondent will have to definitely grant the Crop Insurance to the petitioner, since the petitioner has satisfied all their

requirements, as stated in the reply, dated 24.09.2020. The only thing they need to verify is, whether the documents submitted by the petitioner before this Court, which have been discussed in the earlier paragraphs of this order, are genuine or not. If they are found to be genuine, the petitioner is certainly entitled to obtain the Crop Insurance payment from the first respondent.

8. No prejudice will be caused to the first respondent if a direction is given by this Court to them to consider the application for Crop Insurance made by the petitioner, after giving due consideration to the documents, which have been filed by the petitioner in this writ petition, which seems to have satisfied the requirements of the first respondent for the grant of Crop Insurance. Even the first respondent in his reply, dated 24.09.2020 has acknowledged that the only documents not submitted by the petitioner are (a) self declaration affidavit and (b) recommendation of the third respondent. However, as seen from the typed set of papers filed by the petitioner before this Court, the same seems to have been satisfied by the petitioner. If the petitioner has satisfied all the requirements necessary for getting the Crop Insurance payment under the PMFYB Scheme, the first respondent will have to necessarily disburse the insurance amount to the petitioner to his nominated bank account.

9. For the foregoing reasons, this Court directs the respondents to grant the crop insurance amount for the petitioner's agricultural lands, measuring 10.745 hectares situated at Uppur Village, R.S.Mangalam Taluk, Ramnad District after verification of the self declaration affidavit, dated 05.08.2019 and the recommendations issued by the 2nd and 3rd respondents, as regards the eligibility of the petitioner to avail the Crop Insurance amount under the PMFBY Scheme. If the first respondent is satisfied with the same, they shall disburse the Crop Insurance amount to the petitioner within a period of eight (08) weeks from the date of receipt of a copy of this order.

10. With the aforesaid directions, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1) The District Collector,
Ramnad District.

2) The Tahsildar, R.S.Mangalam Taluk,
Ramnad District.

Order made in
W.P.(MD)No.14028 of 2020
Dated:
09.10.2020

DKS(CO)
KM (02.11.2020) 4P 3C