



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.16240 of 2019

N.Indhira

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Joint Director of Agriculture,
Pudukkottai District,
Pudukkottai.
- 3.The Senior Manager,
New India Assurance Limited,
Garden Apartments,
138, PH Road,
Purasavakam Divisional Office,
Purusavakam,
Chennai - 7.
- 4.The Branch Manager,
New India Assurance Limited,
T.S.No.3548/2, 3539/2,
P.P.K Complex 1st Floor,
Therku Rajaneethi,
Pudukkottai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to pay the crop insurance compensation amount as per G.O(D)No.176, Agricultural (AP6) Department, dated 27.06.2017 to the petitioner under the crop failure scheme for the Rabi period of 2017-2018 for the land in S.F.No.2/2 to a total extent of 7 acres situated at Sirunaatanvai Revenue Village, Aranthangi Taluk, Pudukkottai District based on the petitioner's representation dated 30.01.2019.

For Petitioner	: Mr.M.Suresh
For RR 1 & 2	: Mr.C.Ramesh
	Special Government Pleader
For RR 3 & 4	: Mr.G.Prabhu Rajadurai

**ORDER**

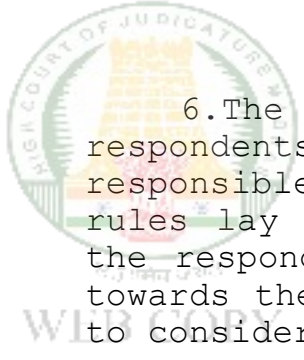
The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 4 to pay the crop insurance compensation amount as per G.O(D)No.176, Agricultural (AP6) Department, dated 27.06.2017 to the petitioner under the crop failure scheme for the Rabi period of 2017-2018 for the land in S.F.No.2/2 to a total extent of 7 acres situated at Sirunaatanvai Revenue Village, Aranthangi Taluk, Pudukkottai District based on her representation dated 30.01.2019.

2. According to the petitioner, he had 7 acres of land in Sirunaatanvai Revenue Village, Aranthangi Taluk, Pudukkottai District. During the year 2017-2018, the petitioner paid insurance premium amount for the paddy crop under the Pradhan Mantri Fazal Bhima Yojana scheme to the fourth respondent through the second respondent, though most of the farmers in the said village paid the insurance premium amount for the paddy crop through the Primary Agricultural Co-operative Society Limited.

3. At this juncture, due to the natural calamity, the aforesaid paddy crops were damaged, for which, the fourth respondent along with the officers from Tamilnadu Government Agricultural Department, Revenue Department and Statics Department conducted a survey of crop failure and submitted a report. As per the said report, the crop failure was assessed as 95% and the fourth respondent fixed a sum of Rs.24,650/- per acre as compensation for the failure of the paddy crop in the said village.

4. Though the Government of Tamil Nadu has fixed a sum of Rs.24,650/- per acre as compensation, a sum of Rs.5,000/- was remitted in the petitioner's account. Hence, narrating all the aforesaid facts, the petitioner made a representation dated 30.01.2019 to the respondents to disburse the insurance compensation amount for the failure of their paddy crops. So far no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition for the relief stated supra.

5. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that during the year 2017-2018, nearly 9 members of the said village have paid the insurance premium amount to the fourth respondent / New India Insurance Company through the second respondent / Agricultural Department. At the time of calculating the compensation claims, the fourth respondent / New India Assurance Company, by mistake, had fixed the compensation and the mistake was pointed out by the second respondent. Thereafter, the fourth respondent had revised the calculation and refixed the compensation and paid the additional amount to the farmers, who had paid premium through Primary Agriculture Co-operative Credit Society, without paying the additional amount to the farmers, including the petitioner, who had paid insurance premium amount to the fourth respondent.



6.The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the fourth respondent is solely responsible for claim processing and claim finalization as per the rules lay down by the Government of India and further stated that the respondents 1 and 2 have no powers or discretion or authority towards the settlement of claims and that the fourth respondent has to consider the claim of the petitioner.

7.The learned Standing Counsel appearing for the respondents 3 and 4 submitted that it was due to the late implementation of the scheme of Tamilnadu and last our rush, the premium was collected through Agricultural Office of the State Government and such data were sent in Excel format from the Agricultural Office had only the farmers name along with the Revenue village and premium details, etc without mentioning the Block and Firka. It is needless to mention that under the scheme the compensation was calculated on area approach basis on receipt of the area sown and actual yield data from department of economics and statistics, government of Tamilnadu.

8.The learned Standing Counsel appearing for the respondents 3 and 4 further submitted that the fourth respondent had fixed the compensation amount to the petitioner. If the petitioner is being aggrieved by the same, he has alternative remedy before the District Level Grievance Redressal Committee (DGRC), the State Level Grievance Redressal Committee (SGRC) as provided under the operational guidelines of Pradhan Mantri Fazal Bhima Yojana scheme (PMFBY) or before the civil Court as well as the Consumer Forum. However, without availing the said remedy, the petitioner has filed the present writ petition for the relief stated supra.

9.In the light of the above, by considering the submissions of the learned counsel appearing on either side, this Court is of the view that the petitioner has to avail the alternative remedy under the operational guidelines of Pradhan Mantri Fasal Bima Yojana scheme (PMFBY) for payment of compensation amount for the damages caused to the crops.

10.At this juncture, the learned counsel appearing for the petitioner requested this Court that liberty may be given to the petitioner to approach the District Level Grievance Redressal Committee (DGRC) seeking for additional compensation amount to the petitioner.

11.Considering the facts and circumstances of the case, if the petitioner is being aggrieved by the compensation amount paid by the fourth respondent, he is at liberty to approach the District Level Grievance Redressal Committee (DGRC) seeking for additional compensation amount, within a period of three weeks from the date of receipt of a copy of this order;



12. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

Ps

To

1. The District Collector,
Pudukkottai District,
Pudukkottai.

2. The Joint Director of Agriculture,
Pudukkottai District,
Pudukkottai.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-17328[F] dated 17/09/2020)

+1 CC to M/s.M. SURESH, Advocate (SR-17377[F] dated 18/09/2020)

W.P. (MD) No.16240 of 2019
16.09.2020

SJ(CO)
KB(08.10.2020) 4P 5C