



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.09.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.19363 of 2019

Lakshmi

...Petitioner

Vs

1.The Government of Tamilnadu,
by its Secretary,
Department of Agriculture,
Chennai.

2.The District Collector,
Thanjavur.

3.The Regional Manager,
New India Assurance Company,
Crop Insurance Department,
770A, Spencer Tower,
2nd Floor, Anna Salai,
Chennai.

4.The Assistant Director of Agriculture,
Agriculture Department,
Thanjavur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to pay the crop insurance compensation amount of Rs.19,905/- per acre to the petitioner on par with the farmers, those who were paid premium amount through the Ramapuram Society, for the Samba crop 2016-2017 with interest.

For Petitioner	: Mr.S.Muthukrishnan
For R1, R2 & R4	: Mr.M.Pandiarajan Additional Government Pleader
For R3	: Mr.G.Prabhu Rajadurai

ORDER

This Writ Petition is filed to direct the 3rd respondent to pay the crop insurance compensation amount of Rs.19,905/- per acre to the petitioner on par with the other farmers.



2. According to the petitioner, she had 4 acre 20 cents of land in Ramapuram Village, Thanjavur Taluk, Thanjavur District. During the year 2016-2017, the petitioner paid insurance premium amount for the paddy crop under the Pradhan Mantri Fasal Bima Yojana scheme to the 3rd respondent through 4th respondent, though most of the farmers in the said village paid the insurance premium amount for the paddy crop through the Ramapuram Primary Agricultural Co-operative Society.

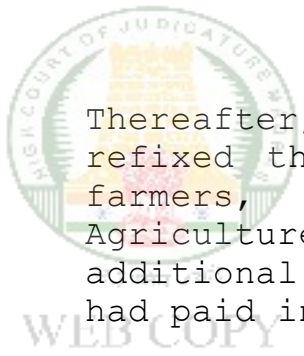
3. At this juncture, due to the natural calamity, the aforesaid paddy crops were damaged, for which, the 3rd respondent along with the officers from Tamilnadu Government Agricultural Department, Revenue Department and Statics Department conducted a survey of crop failure and submitted a report. As per the said report, the crop failure was assessed as 79.73% and the 3rd respondent fixed a sum of Rs.19,905/- per acre as compensation for the failure of the paddy crop in the said village.

4. The farmers, who paid the insurance premium amount through the Ramapuram Primary Agricultural Co-operative Society, were paid Rs.19,905/- per acre by the 3rd respondent and the farmers including the petitioner, who paid the insurance premium amount to the 3rd respondent through 4th respondent, were not paid the said compensation. Hence, narrating all the aforesaid facts, the petitioner made a representation dated 29.04.2019 to the respondents 2 to 4 to disburse the insurance compensation amount for the failure of their paddy crops. However, the petitioner was paid only Rs.12,000/- per acre, instead of Rs.19,905/-. Aggrieved by the same, the petitioner is before this Court for the relief stated supra.

5. The 4th respondent / the Assistant Director of Agriculture, Agriculture Department, Thanjavur has filed a counter affidavit.

6. In the said counter affidavit, it had been stated that during the year 2016-2017, nearly 9 members of the said village have paid the insurance premium amount to the third respondent / Insurance Company through the fourth respondent / Agricultural Department.

7. At the time of calculating the compensation claims, the 3rd respondent / New India Assurance Company, by mistake, had taken the samba area of 1.94.5 hectares cultivated in Ramapuram Revenue Village of thondrampattu Firka, Orathanadu Block instead of 161.22.5 hectares, which was the actual samba area cultivated in Ramapuram Revenue Village of Ramapuram Firka in Thanjavur Block, wherein, the petitioner had actually cultivated. The aforesaid mistake was pointed out by the 4th respondent on 14.12.2017.



Thereafter, the 3rd respondent had revised the calculation and refixed the compensation and paid the additional amount to 140 farmers, who had paid premium through Ramapuram Primary Agriculture Co-operative Credit Society, without paying the additional amount to the farmers, including the petitioner, who had paid insurance premium amount through the 4th respondent.

8. In the counter, it had been further stated that the aforesaid issue was discussed with the 3rd respondent officials during the coordination meeting conducted on 19.06.2019 and also through letter dated 12.07.2019. At the instance of the 4th respondent, the 3rd respondent had assured to settle the issue and they sent a letter to the Joint Director of Agriculture on 20.08.2019 and the same was received on 03.09.2019.

9. It had been stated in the additional counter affidavit filed by the 4th respondent that the 3rd respondent is solely responsible for claim processing and claim finalization as per the rules laid down by the Government of India. It had been further stated that the respondents 1, 2 and 4 have no powers or discretion or authority towards the settlement of claims and that the 3rd respondent has to consider the claim of the petitioner.

10. The 3rd respondent / New India Assurance Company, had filed a counter affidavit, wherein, it had been stated as follows:-

11. I submit that as already stated 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. As regards the petitioner's village Ramapuram, there is another village in the same name in Orathanadu Block and the compensation was estimated under Orathanadu Block with area sown as 1.94 hectares. 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.

12. I submit that in pursuance to the above said



meeting, the data for Ramapuram Village including the petitioner's land were corrected by adding them into Thanjavur Block and a revised calculation is made as follows:-

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S.No	Name	Area	Premium	Initial Payment	Additional Payment after revised working
1	Senthilkumar	Ramapuram	1909/-	Rs.1311/- vide UTR No.CITIN17 847177856 dated 01.11.2017	Rs.64,553/- vide UTR No.CITIN1996 6999202
2	Lakshmi	Ramapuram	1575/-		Rs.53,259/- vide UTR No.CITIN1996 6999272 dated 04.05.2019
3	Ganeshkumar	Ramapuram	1297/-	Rs.891/- vide UTR No.CITIN17 847177533 dated 01.11.2017	Rs.43,858/- vide UTR No.CITIN1996 6998868 dated 04.05.2019

13.I submit that on the revised calculation, it is found that excess payment is made in respect of others and that recovery to be made in respect of certain villages. This was duly informed by the State Government and that claim was adjusted in Kharif 2017/Rabi2017-2018 payment to TCCB. Accordingly, the excess payment is to be adjusted in the subsequent season and such details of adjustment were sent to the District Collector through Communication dated 03.01.2018. The details are as follows:-



Season	Claims payable in Cr	Claims paid in Cr.	Excess paid	Amount to be refunded in Cr.	Remarks
Rabi 2016-17	113.9782365	119.1769956	5.19877591	5.1987591	After the revised working amount to be refunded by TCCB was Rs.5,19,87,591 Cr.
Kharif 2017	1.8318717	Nil as adjusted against the excess paid for Rabi			After adjusting the Kharif 2017 claims against the pending recovery of Rabi
		2016-17 Season			2016-2017, amount still to be refunded by TCCB remains at Rs.3,36,68,888 Cr. (refer to out mail dated 3 rd October 2018)
Total	115.8101082	119.1769956		3.3668888	After adjusting the Kharif 2017 claims of Rs.1.8318717 Cr. Amount still to be refunded by TCCB remains at Rs.3,36,68,888 cr.

14. In the aforesaid premise, I submit that the petitioner's compensation for the loss suffered has been revised and additional payment has been already disbursed. In view of the same, the petitioner claim for compensation of Rs.19,905/- per acre is not correct and their entitled amount is already calculated and disbursed in accordance with the PMFBY scheme.



11.The learned standing counsel appearing for the 3rd respondent would submit that the 3rd respondent had paid a sum of Rs.12,000/- per acre to the petitioner. If the petitioner is being aggrieved by the same, she 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 Fasal Bima 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.

12.In the light of the above, by considering the aforesaid counter affidavit filed by the 4th respondent and in view of the submission made by the 4th respondent, this Court is of the view that the petitioner has to approach the alternative remedy available under the operational guidelines of Pradhan Mantri Fasal Bima Yojana scheme (PMFBY) for payment of compensation amount for the damages caused to the crops.

13.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.

14.Considering the facts and circumstances of the case, if the petitioner is being aggrieved by the compensation amount paid by the 3rd respondent, she 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;

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

Sd/-

Assistant Registrar (CS-III)

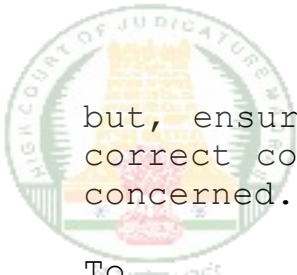
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Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic,
<https://hcservices.hcourtsgov.in/hcservices/> 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 Secretary,
Department of Agriculture,
Chennai.

2.The District Collector,
Thanjavur.

3.The Assistant Director of Agriculture,
Agriculture Department,
Thanjavur.

W.P. (MD) No.19363 of 2019
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SVN(CO)
KM (08.10.2020) 7P 4C