

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3185 of 2021

- Bharat Singh Bisen S/o Late Shri Chandrashekhar Singh Aged About 70 Years R/o Village Jhirnapondi, Tahsil Marwahi, District Gaurela-Pendra-Marwahi District Gaurela-Pendra-Marwahi Chhattisgarh

---- Petitioner

Versus

1. The Collector Gaurela-Pendra-Marwahi District Gaurela-Pendra-Marwahi Chhattisgarh
2. Agriculture Insurance Co. Of India Limited Raipur Through Its Manager, Address Jivan Prakash, Jivan Bima Marg, Pandary Raipur Chhattisgarh
3. Aadim Jati Sewa Sahkari Samiti Maryadit Through Its Manager, Tahsil Marwahi-District Gaurela-Pendra-Marwahi District Gaurela-Pendra-Marwahi Chhattisgarh

---- Respondents

along with

WPC No. 3202 of 2021

- Ramanuj Shran Singh Banafar S/o Late Shri Satynarayan Singh Aged About 60 Years R/o Village - Jhirna Pondi, Tahsil - Marwahi, District - Gaurela - Pendra - Marwahi, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Petitioner

Versus

1. The Collector Gaurela - Pendra - Marwahi District - Gaurela - Pendra - Marwahi Chhattisgarh., District : Gaurela-Pendra-Marwahi, Chhattisgarh
2. Agriculture Insurance Co. Of India Ltd. Raipur - Through Its Manager, Address - Jivan Prakash, Jivan Bima Marg, Pandary Raipur Tahsil And District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Aadim Jati Sewa Sahkari Samiti Maryadit Through Its Manager Tahsil Marwahi - District Gaurela - Pendra - Marwahi Chhattisgarh., District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Badruddin Khan, Advocate
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For Respondent/ State	:	Ms. Sameeksha Gupta, P.L. & Mr. Gagan Tiwari, Dy. G.A.
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.08.2021

1. Both the petitions are heard together as the common issue is being projected.
2. The claim of the petitioners in the present petitions is that they are covered as beneficiaries under the Pradhan Mantri Fasal Beema Yojna. Learned counsel for the petitioners submits that in the year 2019, due to shortfall in the rain, the petitioners could not get the adequate crop which was insured and since the crop was insured, therefore they would be entitled to get the benefit of Pradhan Mantri Fasal Beema Yojna to be compensated. It is stated that these are the second round of litigation. On the earlier round of litigation, this Court, in WPC No. 2377/2020 in the case of Bharat Singh Bisen on 25.11.2020 and in WPC No. 2317/2020 in the case of Ramanuj Shran Singh Banafar on 09.10.2020, had directed to file a representation before the concerned Collector which was further directed to be decided. Subsequently, on the representations having been filed, the same were dismissed on the ground that the petitioners have procured more than the threshold limit of the crop meaning thereby the crop procured were more than the minimum limit of capacity earmarked to get the benefit of insurance. Thereby would be disentitled to get the benefit under the Pradhan Mantri Fasal Beema Yojna. He further submits that the said order is bad in law, inasmuch as the petitioners are entitled to get the benefit for the reason that they have only procured the minimum threshold limit of 1664 kg. of crop per hectare at village Jhirnapondi and 1731 kg. of crop per hectare at village Naraur.
3. The perusal of both the orders dated 25.11.2020 and 09.12.2020 would show that there is a factual dispute which has come up. *Prima facie* in the case of Ramanuj Shran Singh, the procurement was 2223 kg. crop per hectare at

village Jhirnapondi and in the case of Bharat Singh Bisen, the procurement was 2223 kg. crop per hectare at village Jhirnapondi and 2637 kg. of crop per hectare at village Naraur was produced. Therefore, since the yield was said to be more than the minimum threshold crop limit, the petitioners' claims were dismissed. In any case, the disputed question of facts are required to be decided. At one hand, according to the petitioners, they procured only the minimum threshold limit whereas the Government has come up by dismissing petitioners' application claiming that the crop procurement at respective villages were more than the threshold crop limit. These factual aspects are required to be substantiated by the ancillary evidence. As per the State Government, like nature of grievances can be redressed by the District Level Grievance Redressal Committee as per the notification dated 16.06.2020. Therefore, since the disputed question are required to be settled and already the forum has been created by the State, the petitioners can approach the District Level Grievance Redressal Committee along with all the relevant documents within a period of 45 days. In such case, if such applications are filed, it would be decided in accordance with the facts which are available on record.

4. With the aforesaid observation/ direction, the writ petitions stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge