

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.33128 of 2019

Peer Mohammed

.. Petitioner

Vs.

1.Agriculture Insurance Company India Limited,
Regional Office,
rep. by its Regional Manager,
Andhra Building,
323, Thambu Chetty Street,
Parrys Corner,
Chennai - 600 001.

2.The Revenue and Disaster Management,
rep. by its Secretary,
(Office of the Disaster Management)
Secretariat,
Chennai - 600 009.

3.The District Collector,
Collectorate,
Thiruvarur District.

4.Agricultural Deputy Director,
Agricultural Joint Director Office,
Thiruvarur.

5.The Thasildhar,
Vedharanniyam,
Nagapattinam District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to settle the crop insurance amount for the year 2018-19 in view of the petitioner's representation dated 02.10.2019.

For Petitioner

: Mr.S.Arivazhagan

For Respondent

: Mr.P.S.Kothandaraman
for R1
Ms.R.J.Radhika,
Government Advocate for
R2,3 and 5

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The claim of the petitioner is for a direction on the respondent authorities to settle the crop insurance amount for the year 2018-19 in terms of a claim made on October 2, 2019.

2. Counter-affidavits have been filed by the first respondent insurance company and the third respondent District Collector.

3. According to the affidavit of the first respondent, the insurance is covered by a central scheme by the name of Pradhan Mantri Fasal Bima Yojana (PMFBY), which was introduced from Kharif 2016 season replacing the erstwhile National Agricultural Insurance Scheme (NAIS) and the modified NAIS.

4. The affidavit of the first respondent goes on to explain that the scheme has certain conditions and the approach is area-based, in the sense that the shortfall is assessed on an area-wise basis after taking into account certain parameters. It is only upon an area reporting a shortfall on the basis of the parameters set, would any right to claim insurance arise. At paragraph 5(iii)(f) of the first respondent's affidavit, it has been spelt out that any insurance claim is assessed on the basis of the difference between threshold yield and the actual yield, divided by the threshold yield, multiplied by the sum insured. Thus, the two variables have to be ascertained - threshold yield and actual yield. The scheme apparently defines threshold yield "for a crop in a notified area to be the average yield of the past seven years (excluding a maximum of two calamity years as notified by the State government)." The formula for calculating the quantum of insurance due has been indicated as noticed above.

5. At paragraph 7 of the affidavit filed on behalf of the first respondent, it is submitted that farmers in the three notified areas, namely Nedumbalam village in Thiruthuraipoondi, Kallikudi village in Edaiyur and Singalanthi village in Thiruthuraipoondi are not eligible to receive any amount on account of crop insurance for the year 2018-19 since there was no shortfall in these areas in the relevant period. Indeed, the

chart at the foot of paragraph 7 of the first respondent's affidavit indicates the threshold yields and the actual yields. Since the threshold yield is well below the actual yield in all the areas, the first respondent submits that no farmer is entitled to obtain any crop insurance for the year 2018-19 for which appropriate figures have been furnished in the affidavit.

6. In the light of such specific stand and data, the Writ Court cannot go into the matter. However, if there is an individual case where the concerned farmer perceives that he will be entitled to some amount from the insurance, it will be open to the concerned farmer to approach the insurance company and pursue the claim in accordance with law.

7. W.P.No.33128 of 2019 is disposed of by leaving the individual farmers free to lodge appropriate insurance claims before pursuing the matters before the Consumer Forum having jurisdiction or before an appropriate civil Court.

There will be no order as to costs.

Sd/-

Assistant Registrar (CS VII)

/TRUE COPY/

Sub-Assistant Registrar

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To:

1.The Regional Manager,
Agriculture Insurance Company India Limited,
Regional Office, Andhra Building,
323, Thambu Chetty Street,
Parrys Corner, Chennai - 600 001.

2.The Secretary,
Revenue and Disaster Management,
(Office of the Disaster Management)
Secretariat, Chennai - 600 009.

3.The District Collector,
Collectorate, Thiruvavarur District.

4.The Agricultural Deputy Director,
Agricultural Joint Director Office,
Thiruvavarur.

5.The Thasildhar,
Vedharanniyam, Nagapattinam District.

+1CC TO MR.P.S.KOTHANDARAMAN, ADVOCATE, SR.NO. 22557

W.P.No.33128 of 2019

PL (CO)
KKN 26.04.2021



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