

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P(C) No.3368 of 2022  
(Through hybrid mode)**

***BM, Oriental Insurance Company ....  
Ltd. Bargarh***

***Petitioner***

Mr. Adam Ali Khan, Advocate

*-versus-*

***Union of India and others ....***

***Opposite Parties***

Mr. A. K. Sharma, AGA

Mr. Rajeet Roy, Advocate  
with Mr. S. Sourav, Advocate  
for O.Ps.5 to 9

**CORAM: JUSTICE ARINDAM SINHA**

**ORDER  
07.07.2022**

**Order No.**

**04.**

1. Mr. Khan, learned advocate appears on behalf of the insurance company. He submits, impugned is order dated 22<sup>nd</sup> December, 2021 passed by Collector, Bargarh (O.P.4), pursuant to hearing and dealing with representations as directed by order dated 1<sup>st</sup> December, 2021 made by this Bench in W.P.(C) no.35088 of 2021 (Ananta Budhia Vs. Union of India and others). He submits, procedure for verification given in the manual was not followed in respect of all the farmers. State functionaries/officials did not co-operate, which is why the claims were not paid. He submits, the purported assessment was done

without participation of the surveyor. That is why claims were not paid.

2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State opposite party nos.2 to 4 and relies on following passage in impugned order, extracted and reproduced below.

*“On verification of records, it is ascertained that the complete list of 187 farmers duly verified by the Agriculture, Horticulture and Revenue Authorities was forwarded to the Insurance Company vide letter No.3476 dt. 02.11.2018. Thereafter, the same had been produced in the DLMC and forwarded to SLMC vide letter No.2112, dt. 26.07.2019, but the company has not taken any action on the list of 187 farmers except the six farmers for which the compensation was released. As such, it is proved that the insurance company failed to pay the crop insurance which was due to the farmers. Hence, the B.M., Oriental Insurance Company Pvt. Ltd., Bargarh, is directed to release the insurance amount within 15 days positively.”*

Mr. Khan submits, in case of six farmers to whom compensation was paid, those farmers allowed the surveyor to enter upon their lands, in the assessment to make survey. The others did not allow.

3. Mr. Sourav, learned advocate appears on behalf of private opposite party nos.5 to 9. On query from Court he submits, he does not have instructions regarding whether or not the surveyor was allowed into his clients' lands at the time of assessment made.

4. In paragraph 7 of impugned order it has also been stated that

petitioners claim farmers were not cooperating during the verification or the survey. The Collector then went on to say, that as has been reproduced above. From impugned order it does not appear that the contention of petitioner, of farmers not cooperating during verification or survey, had been dealt with. It is specific cause of petitioner that rest of the farmers did not allow the surveyor to survey their lands. This allegation remains outstanding and to be dealt with.

5. Impugned order is set aside. The representations are restored to the Collector for being dealt with in light of the outstanding allegation of petitioner, to be disposed of within four weeks of communication.

6. The writ petition is disposed of.

**(Arindam Sinha)**  
**Judge**

*Prasant*

