



WP.Nos.28222 & 31811 of 2017

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.Nos.28222 & 31811 of 2017 &

WMP.No.30342 of 2017

W.P.No.28222 of 2017

ZB 81 Achalpuram Primary Agricultural
Co-Operative Credit Society Ltd.,
Rep. by its President R.Ravi,
Achalpuram, Sirkali Taluk,
Nagapattinam District.

... Petitioner

.. Vs ..

1. The New India Assurance Company Ltd.,
Rep. by its General Manager,
87, M.G.Road, Fort, Mumbai – 400 001.
2. The New India Assurance Company Ltd.,
Chennai Regional Office,
Rep. by its Deputy General Manager,
Spencer's Tower, 3rd Floor, 770A, Anna Salai,
Chennai – 2.
3. The New India Assurance Company Ltd.,
Nagapattinam Branch Office,
Rep. by its Branch Manager,
Sivan Koil South Street, Nagapattinam,
Nagapattinam District.



WP.Nos.28222 & 31811 of 2017

4. The District Collector,
Nagapattinam, Nagapattinam District.

5. The Deputy Director,
Agricultural Department,
No.25, Nethaji Road, Nagapattinam – 611 001. ... Respondents

W.P.No.31811 of 2017

Kollidam Panchayat Union Co-Operative Sangam,
Represented by its President A.Sivaparakasam,
Vettathankarai Village, Kothandapuram P.O.,
Sirkazhi Taluk [Registration No.94/2013] ... Petitioner

.. Vs ..

1. The District Collector,
Nagapattinam District, Nagapattinam.

2. The Tahsildar, Taluk Officer,
Sirkazhi Taluk, Nagapattinam District.

3. The Joint Director of Agriculture,
Nagapattinam.

4. The New India Assurance Company Ltd.,
[Wholly owned by Government of India]
Represented by its Regional Manager,
Spencer Towers – III Floor,
Anna Salai, Chennai – 600 002.

5. Government of Tamil Nadu,
Represented by Secretary,
Agricultural Department,
Fort St. George, Chennai – 600 009.



WP.Nos.28222 & 31811 of 2017

6. The Union of India,
Represented by its Secretary,
Department of Agriculture, Co-operation
and Farmers' Welfare,
Ministry of Agriculture and Farmer's Welfare,
Krishi Bhavan, New Delhi – 100 001.

... Respondents

Prayer in W.P.No.28222 of 2017:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 to 3 to pay the 100% insurance amount for the total crop damages during the 2016 – 2017 period to all the members of the petitioner society.

For Petitioner : Mr.S.Gopinathan

For Respondents : Mr.J.Chandran – R1 to R3

Mr.P.Sathish,
Additional Government Pleader – R4 & 5

Prayer in W.P.No.31811 of 2017:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents 1, 2, 3 and 5 to pay 100% insurance compensation, namely the insurance amount Rs.25,000/- per acre with reference to the extent of land area through the fourth respondent to the members of the petitioner Sangam who have paid the insurance premium amount of Rs.375 per acre.

For Petitioner : Mr.S.Sadashram



WP.Nos.28222 & 31811 of 2017

WEB COPY

For Respondents : Mr.P.Sathish,
Additional Government Pleader – R1,2,3,5

Mr.J.Chandran – R4

Mr.S.Muthusamy - R6

COMMON ORDER

These Writ Petitions have been filed to direct the respondents to pay 100% insurance compensation, namely the insurance amount Rs.25,000/- per acre with reference to the extent of land area through the Insurance Company to the members of the petitioner Sangam who have paid the insurance premium amount of Rs.375 per acre.

2. The case of the petitioners is that all the members of the petitioners are agriculturists. The Government of India, in order to safeguard the interests of the agriculturists, formulated a scheme for the welfare of the agriculturists for providing financial support to farmers for crop loss/damage arising out of unforeseen events. Pursuant to the objectives of the above Scheme, an insurance scheme was also provided and the New India Assurance Company Ltd. was allotted to operate the scheme on



WP.Nos.28222 & 31811 of 2017

WEB COPY

behalf of the Government of Tamil Nadu and the Government of India as per Pradhan Mantri Fasal Bima Yojana Scheme. An assurance was given to pay a sum of Rs.25,000/- per acre on payment of a sum of Rs.375/- towards premium per acre by the farmers. It is the grievance of the petitioners that all the members have paid premium. However, the New India Assurance Company has not distributed the compensation to the members of the petitioners Society.

3. The New India Assurance Company Ltd. have filed a counter stating that to safeguard the interest of the farmers, State Government have been coordinating with the insurance companies for release of appropriate compensation to the eligible farmers in time by furnishing yield data and release of premium subsidy to the insurance companies in time. According to them a sum of Rs.3,218.749 crore was sanctioned for 10,47,694 farmers by insurance companies, out of which so far Rs.3071.221 crore has been disbursed to 9,96,307 farmers and in fact the State Government has been insisting the Insurance Company to pay the compensation to all the eligible farmers.



WP.Nos.28222 & 31811 of 2017

WEB COPY

4. Though in the counter, the scheme was explained, the counsel appearing for the Insurance company has produced the yield data and submitted that they will disburse the compensation as per the yield data available with them.

5. The learned counsel appearing for the petitioners submitted that their area is also covered in the yield data submitted by the Insurance company and they have not disputed the yield data submitted by the Insurance Company.

6. In such view of the matter, the New India Assurance Company Ltd. is directed to pay the compensation to the members of the petitioners society as per the yield data submitted before this Court. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this Order.



WP.Nos.28222 & 31811 of 2017

7. With the above directions, these Writ Petitions are disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

11.11.2022

vrc

To,

1. The New India Assurance Company Ltd.,
Rep. by its General Manager,
87, M.G.Road, Fort, Mumbai – 400 001.
2. The New India Assurance Company Ltd.,
Chennai Regional Office,
Rep. by its Deputy General Manager,
Spencer's Tower, 3rd Floor, 770A, Anna Salai,
Chennai – 2.
3. The New India Assurance Company Ltd.,
Nagapattinam Branch Office,
Rep. by its Branch Manager,
Sivan Koil South Street, Nagapattinam,
Nagapattinam District.
4. The District Collector,
Nagapattinam, Nagapattinam District.
5. The Deputy Director,
Agricultural Department,
No.25, Nethaji Road, Nagapattinam – 611 001.
6. The Tahsildar, Taluk Office,
Sirkazhi Taluk, Nagapattinam District.



WP.Nos.28222 & 31811 of 2017

7. The Joint Director of Agriculture,
Ngapattinam.

8. The Secretary,
Government of Tamil Nadu,
Agricultural Department,
Fort St. George, Chennai – 600 009.

9. The Secretary,
Union of India,
Department of Agriculture, Co-operation
and Farmers' Welfare,
Ministry of Agriculture and Farmer's Welfare,
Krishi Bhavan, New Delhi – 100 001.



WEB COPY



WP.Nos.28222 & 31811 of 2017

N.SATHISH KUMAR, J.

VTC

WP.Nos.28222 & 31811 of 2017

11.11.2022