

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8974 of 2022

Rajeshwar Prasad Singh Son of late Shivchandra Prasad Singh @ Shivchandra Singh, (President of Kisan Vikas Sangharsh Samiti), Resident of Village, P.O. and P.S.- Shamho, Block- Shamho Akha Kurha, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operative, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Commissioner, Munger Division, Munger.
4. The District Magistrate, Begusarai, District- Begusarai.
5. The District Co-Operative Officer, District- Begusarai.
6. The District Accounts Officer, District- Begusarai.
7. The Circle Officer, Circle Office- Shamho Akha Kurha, District- Begusarai.
8. Punjab National Bank through Zonal Manager, 2nd Floor Chanakya Towers, R Block Patna 800001.
9. The Branch Manager, Punjab National Bank, Saidpur Salha (Branch), District- Begusarai.
10. Bajaj Allianz General Insurance Co. Ltd. through its Regional Manager, N-A/7, Irrigation Department, Employees Co-Operative Society Chitragupt Nagar, Kankarbagh, Patna.
11. Agriculture Insurance Company of India Ltd. through its Regional Manager, Yunus Corporate, 1st Floor, Near Sukriti Apartment, S.P. Verma Road, Patna- 01.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate Mr. Avanindra Kumar Jha, Advocate Mr. Anand Tiwari, Advocate Mr. Narendra Kumar Sinha, Advocate
For Respondent No.11	:	Mr. Rajan Sahay, Advocate
For Respondent No.10	:	Ms. Mayuri, Advocate
For Respondent No. 8&9:	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Amit Prakash (GA-13) Mr. Sanjay Kumar, AC to GA-13

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 28-11-2023

Heard Mr. Purushottam Kumar Jha, learned
counsel appearing on behalf of the petitioner; Mr. Rajan Sahay,



learned counsel appearing on behalf of respondent no. 11; Ms. Mayuri, learned counsel appearing on behalf of respondent no. 10; Mr. Arvind Kumar, learned counsel appearing on behalf of respondent no. 8 & 9 and Mr. Amit Prakash, learned GA-13 for the State.

2. In the present writ petition, the petitioner has prayed for the following relief(s):

“(i) To hold and declare that, the inaction of the authorities concerned of the state govt. of Bihar, in insuring & securing the payment of insured sum of Kharif Crop, under Pradhan Mantri Fasal Bima Yojana (PMFBY), to the farmers of the Circle Shamho Akha Kurha, Begusarai, is pathetic and fit to be deprecated by this Hon’ble Court.

(ii) To hold and declare that, since the respondents concerned, particularly the respondent No. 8 to 10, have illegally withheld the payment of insured sum, hence, the farmers are entitled for being paid, interest @ 18% over the insured sum, from the date, state govt. has distributed the relief funds, to the similarly situated and uninsured farmers, in respective years, i.e., 2016 & 2017.

(iii) For issuance of appropriate orders, direction or writ in the nature of Mandamus commanding the respondents concerned, particularly the Respondent No. 8 to 10, to make full and final payment of insured sum, insured under Pradhan Mantri Fasal Bima Yojana (PMFBY), for the Kharif Crop, for the years 2016 & 2017 both, to the farmers of the Circle Shamho Akha Kurha, Begusarai.

(iv) For issuance of appropriate orders, direction or writ in the nature of Mandamus commanding the respondents concerned, particularly Respondent No. 8 to 10, to make payment of interest @ 18%, from the date of entitlement, over the insured sum / entitlement, to each and every farmer, whose crop was insured, {at least from the date, when the State Govt. has distributed the relief to uninsured farmers in respective years (both 2016 & 2017)}.

(v) For grant of any other relief to which



the petitioner may be found entitled to, in the facts and circumstances of this case.”

3. Mr. Purushottam Kumar Jha, learned counsel appearing on behalf of the petitioner submitted that the maze crop is grown in both kharif, as well as, rabi season and in some places it is grown three times in a year. The petitioner's case is that his crops were destroyed due to natural calamities, which were grown during the kharif season. Learned counsel has placed reliance on two judgments of this Court passed in case of ***Messina Beej Pvt. Limited vs. New India Assurance Comp. Ltd. & Ors.*** reported in ***(2011) 1 PLJR 646*** and ***Ramesh Ahluwalia vs. State of Punjab & Ors.*** reported in ***(2012) 12 SCC 331*** to differentiate his case that the grievance of the petitioner can well be entertained under Article 226 of the Constitution of India. In the present case, as admittedly, it has been found by the respondents that incorrectly in place of maze, paddy has been mentioned which has lead to non-payment of insurance amount by the insurance company.

4. Ms. Mayuri, learned counsel appearing on behalf of Bajaj Allianz General Insurance Company Limited has raised preliminary objection that the petitioner, instead of approaching the consumer forum for the relief(s) as prayed for in the present writ petition, has filed second appeal before the



Principal Secretary, Department of Co-operative, Government of Bihar, Patna, who has passed an order in favour of the petitioner. On the basis of record, he has arrived at a finding that typographical mistake has been committed by the Bank because of which the crops of the petitioner which were ensured for the relevant period finds mention of paddy in place of maze.

5. A counter affidavit has been filed on behalf of respondents no. 8 and 9 in which they have not raised the question of maintainability of the present writ petition.

6. Considering the grievance of the petitioner, as well as, the fact that it is admitted by the parties that due to inadvertent typographical mistake, in place of maze, paddy has been mentioned, which has resulted in non-payment of the required amount to the petitioner for kharif season for the Financial Year 2016 and 2017, by the insurance company and the admitted fact that the incorrect entry has been made in the data uploaded by the bank on the basis of report submitted by the Field Officer/ Circle Officer of the area, the Circle Officer, Saidpur Salha, Begusarai, is directed to verify from the records and the report submitted by him with respect to loss of crops relating to the petitioner and other farmers of the locality and based on the report, he must furnish a report before the Branch



Manager, Saidpur Salha, Begusarai, so that the Insurance Company may make necessary communication with the NABARD, Ministry of Agriculture, Government of India for redressal of the grievance of the petitioner as prayed for in the present writ petition.

7. This Court finds that Article 14 of the Constitution of India has been violated, as from the records it appears that farmers of the same village and locality have already been paid due insurance by the Insurance Company.

8. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	01.12.2023
Transmission Date	N/A

