

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.774 of 2019

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Rajendra Prasad Singh, Son of Late Rameshwar Singh, Resident of Village-
Nayanagar, P.S.-Teghara, District-Begusarai.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary of Agriculture and Farmers Welfare, Government of India.
2. The State of Bihar through the Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Principal Secretary, Agriculture Department, Government of Bihar, New Secretariat, Patna-800015.
4. The Bajaj Allian general Insurance Company Ltd. having its registered Officer at GE Plaza, Airport Road, Yerwada, Pune-411006 through the Managing Director.
5. The Managing Director, Bajaj Alloanz General Insurance Company Limited having its registered Office at GE Plaza, Airport Road, Yerwarda, Pune-411006.
6. The Branch Manager, Bajaj Alloanz General Insurance Company Limited having its Branch Office at No. A7, Employees Co-operative Housing Society, Chitragupta Nagar, Kankarbagh, Patna-800001.
7. Punjab National Bank, Rahatpur Branch, Begusarai through its Branch Manager.
8. Branch Manager, Punjab National Bank, Rahatpur Branch, Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C.Verma, Sr. Advocate Mr.Anuj Kumar, Advocate Ms. Neeta Nancy Quadros, Advocate
For the State	:	Mr.Sarvesh Kumar Singh, AAG-13 Mrs. Sunita Kumari, AC to AAG-13
For the Resp. Nos. 4&6	:	Mr. Ashok Priyadarsi, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-04-2023

The petitioner, motivated by public interest, has filed the above writ petition to enable insurance benefits under the *Pradhan Mantri Fasal Bima Yojana* (PMFBY). According to the petitioner, under the Scheme of PMFBY introduced by the Central Government, the loans taken by the farmers were insured against rain, drought and other natural calamities. The Scheme is applicable to *Kharif* and *Rabi* crop farmers.

2. It is stated that in the year 2016, 20143 farmers took loans from the Punjab National Bank, Rahatpur Branch, Begusarai and the loans were insured with the 4th Respondent-Insurance Company. However, out of 2143 claims made, only 802 were disbursed the compensation. The petitioner is concerned with the balance 1341 farmers, who were not given the insurance benefits, despite their crops having been destroyed by natural calamities.

3. The learned counsel for the respondent, at the outset, pointed out that no writ will lie against a private limited company and that in any event, the claims raised are of individual loanees, who have also insured their crops, which have to be agitated individually and not in a public interest litigation. The learned counsel also produced before us a



Division Bench judgment of this Court rendered in **Messina Beej Pvt. Limited vs. New India Assurance Comp. Ltd. & Ors.; (2011) 1 PLJR 646.**

4. The learned senior counsel appearing for the petitioner, however, points out that when the 4th Respondent Company has been carrying on the activity of insuring persons under the Central Government Scheme, there is a public duty cast on the Company and hence, at least with respect to the above transaction, it would have the character of a State under Article 12 of the Constitution of India, as has been laid down by the Hon'ble Supreme Court in **Ramesh Ahluwalia vs. State of Punjab & Ors.; (2012) 12SCC 331.**

5. We have no doubt that if there is a public duty involved, there could be a writ issued under Article 226 of the Constitution of India even against a private person and we bow to the proposition laid down by the Hon'ble Supreme Court, in the above cited decision. However, that is not the question which we have to consider. The question raised is as to whether a public interest litigation is maintainable for the cause agitated. Admittedly, individual farmers had availed loans which were insured with the 4th Respondent Company. There can be no blanket disbursal of insurance on account of natural calamities



without verification as to whether there is actually suffered a damage of crops. These are matters to be individually agitated before the Company, at the first instance, and before the various forums provided to agitate denial of insurance claims by an Insurance Company.

6. We specifically notice the Division Bench Judgment in **Messina Beej Pvt. Limited** (supra) from which paragraphs 3 and 4 are quoted hereinafter:-

“3. Learned Counsel for the Appellant took us through the Redressal of Public Grievances Rules, 1998. We find that Rules 12 and 13 clearly vest necessary power in the Ombudsman to consider a complaint of the nature being raised by the Appellant. It is also evident from Sub-sections (2), (3) and (4) of Section 64UM of the Insurance Act, 1938 that the Insurance Regulatory and Development Authority also has power, though discretionary, to consider a grievance against improper or wrong settlement of his claim. We find no merit in the submission advanced on behalf of Appellant that if this Court has power under Article 226 of the Constitution, it must exercise that power in all cases even if there be any alternative statutory remedy available to the Petitioner.

4. We also find no merit in the submission that because notice was issued to the Insurance Company at the admission stage the writ petition could have been considered only on merits and could not have been dismissed on the ground of availability of alternative statutory remedy. We find no merit in this appeal. It is accordingly dismissed.”



7. The aforecited paragraphs answer the question raised on the maintainability of the present public interest litigation; against the petitioner. We find absolutely no reason to entertain the above writ petition and we dismiss the same.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.04.2023
Transmission Date	

