



W.P.No.16361 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.16361 of 2020

G.Baskar

... Petitioner

Vs.

1.The District Collector,
Thiruvarur.

2.The Commissioner/Director of Agriculture,
Chepauk, Chennai – 600 005.

3.The Joint Director, Agricultural Department,
Office of the Collector,
Thiruvarur.

4.The Agricultural Insurance Company Ltd.,
Thambu Chetty Street,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to forthwith consider the representation dated 10.09.2020 and release the crop insurance in respect of the agricultural lands of the farmers of Puthagaram Village, Mannarkudi Taluk, Thiruvarur District.



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For Petitioner : Mr.A.Ram Kumar
For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1 to R3]
Mr.P.S.Kothandaraman [R4]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents herein to forthwith consider the representation dated 10.09.2020 and release the crop insurance in respect of the agricultural lands of the farmers of Puthagaram Village, Mannarkudi Taluk, Thiruvarur District.

2. The case of the petitioner is that, he is the Panchayat Vice President in respect of Puthgaram Village and he is also an agriculturist having agricultural lands in the said village and the main occupation of the villagers is agriculture. There are vast agricultural lands in the said village and the entire village is a water lagging area and often the crops are being affected by Yanai Komban disease. Hence, the villagers had availed the benefits under the Pradhan Mantri Suraksha Bima Yojana (in short 'PMSBY'), which is a scheme for crop insurance introduced by the



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Government of India to mitigate the hardship of all the insured farmers against the likelihood of financial loss on account of anticipated crops loss resulting adverse weather condition relating to rainfall, temperature, wind, humidity, etc. In order to avail the finance under the scheme, all the villagers have insured their crops and have also paid a sum of Rs.450/- per acre towards insurance. Under the aforesaid scheme, committees are appointed to make inspection to all the crops and assess the damages in respect of each and every village. In the said village, inspection was made on 21.01.2020 and 02.02.2020 in four survey numbers and an average weight of 3.715 of crops were inspected and were included into four lots and the same were noted by the Committee who came for inspection. However, when the insurance was released, the same was released to six villages except petitioner's village. Therefore, the petitioner made a representation before the respondents on 10.09.2020. Since the same was not considered, the petitioner has filed the above writ petition before this Court for appropriate directions.

3. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submits that, it would



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suffice, if this Court, issues a direction to the respondents to consider the petitioner's representation, dated 10.09.2010 and release the crop insurance for the year 2019 – 2020 in respect of the agricultural lands of the farmers of Puthagaram Village, within a time frame that may be stipulated by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that, grant of crop insurance to the petitioner's village under the PMSBY Scheme is covered by G.O.Ms.No.196, Agriculture (AP6) Department, dated 06.09.2019. He also submits that the Agriculture Department is the nodal department for the implementation of the scheme, execute activities such as creating awareness about the scheme, furnishing yield data and settling of State share of premium subsidy to the concerned Insurance Companies. Since there was a direct contract between the farmer, who is an insurer and the Insurance Company, they have to approach the concerned Insurance Company for appropriate compensation.



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5. The learned counsel appearing for the fourth respondent submits that the petitioner submitted representations before the third respondent dated 10.09.2020 to release the crop insurance in respect of the agricultural lands of the farmers of Puthagaram Village. The said representation was forwarded to this respondent, who in turn, on 20.09.2022, through e-mail has replied to the Director of Agriculture with Factual data that the actual yield of the Puthagaram Village is 1900 Kg/hectare, which is more than the threshold yield of 1814.4 Kg/hectare. Hence, there is "No Shortfall" to Puthagaram revenue village of Tiruvarur, thereby, the petitioner's village is not entitled for compensation.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. Admittedly, there is a scheme in favour of the petitioner for claiming crop insurance from the fourth respondent and there are separate guidelines and procedure for providing crop insurance in favour of the petitioner in G.O.Ms.No.196, Agriculture (AP6) Department,



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dated 06.09.2019 and the operational guidelines is also available. As per the guidelines, the official respondents have to make recommendation to the fourth respondent with the details of the yield. However, in the present case, though the fourth respondent claim that proper reply was submitted to the Director of Agriculture with factual data, however, the petitioner's representation was not considered. However, it is submitted by the respondents that the yield of the village is more than the threshold yield and, therefore, the villagers are not entitled for any insurance.

8. However, the fact remains that the representation submitted by the petitioner is pending consideration of the respondents and it is the duty of the respondents to pass appropriate orders on the representation so as to enable the petitioners to ventilate their grievance in accordance with law. In such view of the matter, the official respondents are directed to forward proposal of Puthagaram Village with regard to claim of crop insurance to the fourth respondent within a period of two (2) weeks from the date of receipt of a copy of this order. If such proposal is received with data, the fourth respondent is directed to consider the same and pass appropriate orders with regard to grant of insurance for the year



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2019 – 2020 and communicate the same to the petitioner, within a period of six (6) weeks thereafter.

9. With the above directions, the Writ Petition is disposed of. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

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M.DHANDAPANI, J.

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