



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).Nos.22084, 22100 and 22114 of 2021

W.P.(MD).No.22084 of 2021:

N.Lakshmi

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Peraiyur Taluk,
Madurai District,
Madurai.
- 3.The General Manager,
The Madurai District Central Co-operative Bank Limited,
No.187, North Veli Street,
Madurai Head Office,
Madurai – 625 001.
- 4.The Assistant Director of Agriculture (Crop Insurance),
Thallakulam,
Madurai,
Madurai District – 625 002.



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

5.The Secretary,
MD.SPL.107, Silarpatty Primary Agricultural Co-operative
Credit Society,
Silarpatty Post,
Peraiyur Taluk,
Madurai District.

6.The Zonal Manager,
Agricultural Insurance Company of India Limited,
Regional Office, No.323, 1st Floor,
Andhra Insurance Building,
Thambu Chetty Street,
Parrys,
Chennai – 600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the sum insured to the petitioner under “PMFBY Crop Insurance Scheme” for the damaged Maize Crops sowed during Rabi Period 2016-2017 in the petitioner's cultivating lands comprised in S.Nos.151/7A2, 151/7B, 152/2, 194/1, 200/1, 201/14, 73/1, 192/6, 201/15 and 201/6 respectively having extent of 0.2.0, 0.18.50, 0.47.0, 2.42.0, 0.37.0, 0.26.0, 0.6.50, 0.74.50, 0.28.50 and 0.58.0 totally 5.40.90 Hectare i.e., 13 Acres 33 Cents situated in Silarpatty Village, Peraiyur Taluk, Madurai District, on the basis of the petitioner's representation dated 14.12.2020 and 04.01.2021.

W.P.(MD).No.22100 of 2021:

M.Narayanan

... Petitioner

Vs.



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Peraiyur Taluk,
Madurai District,
Madurai.
- 3.The General Manager,
The Madurai District Central Co-operative Bank Limited,
No.187, North Veli Street,
Madurai Head Office,
Madurai – 625 001.
- 4.The Assistant Director of Agriculture (Crop Insurance),
Thallakulam,
Madurai,
Madurai District – 625 002.
- 5.The Secretary,
MD.SPL.107, Silarpatty Primary Agricultural Co-operative
Credit Society,
Silarpatty Post,
Peraiyur Taluk,
Madurai District.
- 6.The Zonal Manager,
Agricultural Insurance Company of India Limited,
Regional Office, No.323, 1st Floor,
Andhra Insurance Building,
Thambu Chetty Street,
Parrys,
Chennai – 600 001.

... Respondents



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the sum insured to the petitioner under “PMFBY Crop Insurance Scheme” for the damaged Maize Crops sowed during Rabi Period 2016-2017 in the petitioner's cultivating lands comprised in S.Nos.187/10, 202/2, 65/1A, 65/1C, 120/3 and 202/1 respectively having extent of 0.33.0, 1.39.0, 0.86.50, 0.19.50, 1.55.50, 1.36.0 totally 5.69.5 Hectare i.e., 14 Acres situated in Silarpatty Village, Peraiyur Taluk, Madurai District, on the basis of the petitioner's representation dated 14.12.2020 and 04.01.2021.

W.P.(MD).No.22114 of 2021:

N.Kannan

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Peraiyur Taluk,
Madurai District,
Madurai.
- 3.The General Manager,
The Madurai District Central Co-operative Bank Limited,
No.187, North Veli Street,
Madurai Head Office,
Madurai – 625 001.



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

4.The Assistant Director of Agriculture (Crop Insurance),
Thallakulam,
Madurai,
Madurai District – 625 002.

5.The Secretary,
MD.SPL.107, Silarpatty Primary Agricultural Co-operative
Credit Society,
Silarpatty Post,
Peraiyur Taluk,
Madurai District.

6.The Zonal Manager,
Agricultural Insurance Company of India Limited,
Regional Office, No.323, 1st Floor,
Andhra Insurance Building,
Thambu Chetty Street,
Parrys,
Chennai – 600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the sum insured to the petitioner under “PMFBY Crop Insurance Scheme” for the damaged Maize Crops sowed during Rabi Period 2016-2017 in the petitioner's cultivating lands comprised in S.Nos.100/2, 145/15, 151/1A, 152/4B1, 156/1B, 157/12B, 156/2C, 168/7, 168/8, 168/9, 169/6, 95/5, 95/6A, 97/6, 97/7 and 98/5 respectively having extent of 0.19.50, 0.13.50, 0.12.0, 0.17.50, 0.31.0, 0.6.50, 0.17.50, 0.58.50, 0.28.50, 0.26.0, 0.69.0, 0.26.50, 0.26.0, 0.15.0, 0.1.50 and 0.13.50 totally 3.82.0 Hectare i.e., 9 Acres 44 Cents situated in Silarpatty Village, Peraiyur Taluk, Madurai District, on the basis of the petitioner's representation dated 14.12.2020 and 04.01.2021.



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

(In all cases):

For Petitioners : Mr.R.Shankar Ganesh
For R-1, R-2, : Mr.S.Jeyapriya
R-4 and R-5 Government Advocate
For R-3 : Mr.D.Shanmugaraja Sethupathy
For R-6 : Mr.D.Srinivasaragavan

COMMON ORDER

These Writ Petitions have been filed for issuance of a Writ of Mandamus directing the respondents to disburse the sum insured to the petitioners under PMFBY Crop Insurance scheme for the period 2016-2017 by considering the representation made by the petitioners.

2. The grievance of the petitioners is that they had paid the insurance premium to the fifth respondent and the petitioners faced loss due to natural calamities and that the petitioners are entitled for the insurance amount. Since the same was not paid to them, these Writ Petitions have been filed before this Court.



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

WEB COPY

3. The sixth respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

6. This respondent respectfully submits that in respect of Madurai District, Madurai District Central Co-operative Bank is the Nodal Bank for all Primary Co-operative Societies in Madurai District. This respondent has received consolidated declaration from the Madurai District Central Co-operative Bank under PMFBY scheme – Rabi 2016-17-Maize crop and the detail of consolidated declaration is given below,

<i>Name of the Nodal Bank</i>	<i>No of Farmers Insured</i>	<i>Crop Insured</i>	<i>Notified Area</i>	<i>Area Insured (Ha)</i>	<i>Sum Insured (Rs)</i>
<i>Madurai DCCB</i>	<i>25</i>	<i>Maize</i>	<i>Silarpatti</i>	<i>51.996</i>	<i>22,09,830.00</i>

7. It is respectfully submitted that under the Scheme, the loss will be assessed by the Crop Cutting Experience (in short CCE). The said CCE is undertaken at the Notified level. The State/UT Government will plan and conduct the requisite number of CCEs for all notified crops in the notified insurance units to assess the crop yield. The scheme would operate on the basis of Area Approach i.e., Defined Areas/Notified Area for each crop. If the Actual



WEB COPY



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

Yield (AY) per hectare of the notified crop for the Defined Area falls short of the Threshold Yield (TY), all the insured farmers growing that crop in the Defined Area are deemed to have suffered shortfall in their yield.

Indemnity under PMFBY Scheme shall be calculated as per the following formula:

$$\text{Claim} = (\text{Actual Yield} - \text{Threshold Yield}) \times \text{Sum Insured}$$

Once the yield data is received from the State Government as per the cut-off-dates decided, the claims will be worked out as per Declarations received from Financial Institutions for each notified area. The claim amount along with claim particulars will be released to individual Nodal Banks. The Financial Institution in turn shall credit the claim amount of the individual farmers in their accounts.

8. This respondent submits that after receipt of yield data from State Government has calculated claims as per the scheme and has disbursed the eligible claim. This respondent submits that below are the yield data received from the State Government for Maize crop during Rabi 2016-17 Season for Silarpatti Village of Madurai District.

<i>Actual (Kg/Ha)</i>	<i>Yield</i>	<i>Threshold (Kg/Ha)</i>	<i>Yield</i>	<i>Shortfall (%)</i>
189.28		3,726.34		94.92%



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

9. *This respondent respectfully submits that as per the Declaration received from the Nodal Bank, Madurai District Central Co-operative Bank, this respondent has settled the claim to the Nodal Bank, Madurai DCCB for distribution among insured farmers and the details are below,*

<i>Name of the Nodal Bank</i>	<i>Madurai DCCB</i>
<i>No of Farmers Insured</i>	25
<i>Crop Insured</i>	Maize
<i>Notified Area</i>	Silarpatti
<i>Area Insured (Ha)</i>	51.996
<i>Sum Insured (Rs)</i>	22,09,830.00
<i>Shortfall (%)</i>	94.92
<i>Claim Amount (Rs)</i>	20,97,580.17
<i>Date of Payment</i>	18/01/2018
<i>UTR Number</i>	AXTB18018296104

10. *It is respectfully submitted that as per the scheme Nodal Banks will remit premium to this respondent and this respondent will disburse eligible claims to the nodal banks as per the consolidated declarations submitted by them. The details of individual farmers are maintained by the nodal banks and the individual farmer details are not available with this respondent. As per the scheme in case a farmer is deprived of any benefit under the Scheme due to errors /omissions /commissions of the Nodal*



Bank/Branch/PACS, the concerned institutions only shall make good all such losses”.

4. Heard the learned counsel appearing on behalf of the petitioner, the learned Government Advocate appearing on behalf of the respondents 1, 2, 4, and 5, the learned counsel appearing on behalf of the third respondent and the learned counsel appearing on behalf of the sixth respondent.

5. It is clear from the counter affidavit filed by the sixth respondent that insofar as Silarpatti Village is concerned, the crop insured was Maize and the loss was assessed as per the scheme and the amount has been sent to the Nodal Bank which is the third respondent in this case for distribution among the insured farmers.

6. The learned counsel appearing on behalf of the third respondent submitted that the amount that was received from the sixth respondent has already been handed over to the fifth respondent Society and it is the fifth respondent Society who must disburse the amount to the insured farmers by verifying the list that is maintained by them.



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

7. In the light of the undisputed facts, there shall be a direction to the fifth respondent to disburse the insurance amount to the petitioners and other insured farmers, within a period of four (4) weeks from the date of receipt of a copy of this order. Such a positive direction is given to the fifth respondent, since the amount has already been handed over by the sixth respondent to the nodal bank viz., the third respondent and the third respondent in turn has handed over to the fifth respondent Society.

8. These Writ Petitions are disposed of with the above directions. No costs.

21.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

Nsr



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

To

WEB COPY

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Peraiyur Taluk,
Madurai District,
Madurai.
- 3.The General Manager,
The Madurai District Central Co-operative Bank Limited,
No.187, North Veli Street,
Madurai Head Office,
Madurai – 625 001.
- 4.The Assistant Director of Agriculture (Crop Insurance),
Thallakulam,
Madurai,
Madurai District – 625 002.
- 5.The Secretary,
MD.SPL.107, Silarpatty Primary Agricultural Co-operative
Credit Society,
Silarpatty Post,
Peraiyur Taluk,
Madurai District.
- 6.The Zonal Manager,
Agricultural Insurance Company of India Limited,
Regional Office, No.323, 1st Floor,
Andhra Insurance Building,
Thambu Chetty Street,
Parrys,
Chennai – 600 001.



WEB COPY



W.P.(MD).Nos.22084, 22100 and 22114 of 2021

N.ANAND VENKATESH, J.

Nsr

W.P.(MD).Nos.22084, 22100 and 22114 of 2021

21.11.2023