



W.P(MD).Nos.18276 to 18303 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD).Nos.18276 to 18303 of 2018

Prayer in W.P.(MD).No.18276 of 2018

G.Jeyaseelan

.. Petitioner

Vs.

- 1.The Union of India,
By the Department of Agriculture,
Co-operation and Farmers Welfare (DAC & FW),
Ministry of Agriculture and Farmers Welfare (MoA&FW),
New Delhi.
- 2.The District Collector,
Virudhunagar District.
- 3.The Assistant Director of Agriculture,
Agriculture Department,
Srivilliputhur,
Virudhunagar District.
- 4.The New India Assurance Company Limited,
Chennai Regional Officer,
Spencers Towers,
3rd Floor, 770-U, Anna Salai,
Chennai-600 002.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents to pay crop insurance amount in respect of the petitioner's lands in Thombakulam Village, Vembakottai Taluk, Virudhunagar District insured under Pradhan MantriFasalBima Yogna (PMFBY) scheme for the season 2016-2017 within a time as may be prescribed by this Court.

For Petitioner : Mr.Y.Prakash

For Respondents : Mr.B.Rajesh Saravanan
for R1
Mr.J.K.Jayaseelan
Government Advocate
for R2 and R3
Mr.G.Prabhu Rajadurai for R4

COMMON ORDER

These Writ Petitions have been filed seeking for a direction to the respondents to pay crop insurance amount in respect of the petitioners' lands in Thombakulam Village, Vembakottai Taluk, Virudhunagar District, insured under Pradhan Mantri Fasal Bima Yojana Scheme, within a time frame fixed by this Court.



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2. The case of the petitioners is that the petitioners are farmers and are residing in Thombakulam Village, Vembakottai Taluk, Virudhunagar District. They are depending on agriculture for eking out their livelihood. The majority of the farming community depends on the monsoon rains as there is absolutely no other water source for cultivation. Thombakulam Village forms part of Keelarajakularaman Revenue Village consisting of Thombakulam, Kannithevanpatti, Keelarajakularaman, R.Reediyapatti, Nallakammalpuram and Saminathapuram Villages. While so, during October 2016, the respondent No.3 advised the villagers of Keelarajakularaman Revenue Village to cultivate cotton crop as it would give good yields and also encouraged the farmers to take crop insurance under Pradhan MantriFasalBima Yojana (PMFBY) Scheme stating that in case of any crop failure due to drought and other calamities, the farmers would be suitably compensated. Accordingly, the farmers of Keelarajakularaman Revenue Village, including the petitioners cultivated cotton in 200 acres. They have paid premium for crop insurance in Thombakulam village. While so, during the year 2016-2017, due to drought, the petitioners could not get the yield and suffered huge loss.



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However, the Officials concerned have not assessed the loss suffered by the farmers of Thombakulam Village, including the petitioners. They have not inspected the agricultural lands of the farmers belonging to Keelarajakularaman Revenue Village and have denied the insurance amount for all the farmers. On the other hand, the respondents have paid crop insurance amount to the farmers belonging to neighbouring villages. Therefore, the present Writ Petitions have been filed.

3. The learned counsel appearing for the fourth respondent by relying on the counter affidavit filed by the fourth respondent submits that the insurance amount would be paid depending upon the threshold value of the particular crop in the village and if the value of actual crop is less than the threshold value, then the petitioners would be entitled for the crop insurance. The petitioners have raised crops in their lands in the year 2016 and the threshold value of the cotton crop for the preceding year is 318 kg/Ha. However, the actual yield of the cotton crop in the particular division for the year 2016-2017 is 483 kg/Ha and therefore, the request of the petitioners for crop insurance has been rejected by them.



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4. The learned Government Advocate appearing for the respondents 2 and 3 has produced certain documents which would show the manner in which the assessment has been made for the previous years and substantiated that the actual yield of the crop for that particular area was more than the threshold value and therefore, the petitioners would not be entitled for crop insurance.

5. Recording the submission made by the learned Government Advocate appearing for the respondents 2 and 3, these Writ Petitions are closed. No costs.

29.11.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

ssb



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