BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)Nos.4178 to 4188 of 2016**

**W.P.(MD)No.4178 of 2016**

R.Subbaraj ... Petitioner

versus

1. The District Collector,
   Tuticorin,
   Tuticorin District.

2. The Joint Director of Agriculture,
   Agriculture Department,
   Tuticorin,
   Tuticorin District.

3. The Secretary,
   O.1867, Nakkalamuthampatti Primary
   Agriculture Co-operative (Credit) Society,
   Nakkalamuthanpatti,
   Kovilpatti Taluk,
   Tuticorin District.

4. The Agriculture Insurance Company of India,
No.323 First Floor, Andhra Insurance Building,
Thambu Chetty Street, Parry's Corner,
George Town Chennai – 600 001.
(R4 is suo motu impleaded
vide order dt. 04.10.2023) ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to pay the Agriculture Insurance amount to the petitioner in view of the failure of crops raised in the petitioner's lands for the period 2013-2014 as per the premium amount, within the period that may be stipulated by this Court.

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|---|---|---|
| For Petitioner | : | M/s.V.Sebastinal Preethi |
| For R1 to R3 | : | Mr.P.T.Thiraviam,<br>Government Advocate |
| For R4 | : | Mr.D.Srinivasa Raghavan |

**COMMON ORDER**

The petitioners are farmers said to have raised maize *(மக்காச்சோளம்)* in the year 2012-2013 and insured their crop under the National Agricultural Insurance Scheme. They have also paid the premium of Rs.137/- per acre. Under the Scheme, they have been paid the insured amount to an extent of Rs.8,000/- per acre. They also raised Urad Dhal and paid the premium of Rs.36/- per acre and they have been paid the insurance amount as Rs.3,134/- per acre for the Urad Dhal.

2. For the year 2013-2014, the petitioners once again raised the crop maize and paid premium of Rs.432/- per acre. However, they have been paid the insurance amount only to an extent of Rs.1,748/- per acre. According to the petitioners, they have spent more than Rs.15,000/- per acre for cultivating the maize. But, due to failure of monsoon, they have suffered huge loss, but the insurance amount was paid less. They sent representations to the respondents on 15.12.2015 requesting them to pay more insurance amount. Since there was no response, the petitioners have filed these writ petitions for a Mandamus directing the respondents to pay the Agricultural Insurance amount to the petitioners for the period 2013-2014 as per the premium amount

paid by the petitioners.

2. The learned Government Advocate appearing for the second respondent submits that the insurance claim is processed and released by the Insurance Company (implementing agency), namely, Agricultural Insurance Company India Limited, in accordance with the guidelines issued under the National Agricultural Insurance Scheme. He also relied on the features of the Scheme, which are extracted as under:

> *"Once the yield data is received from the State/UT Govt. as per the prescribed cut-off dates, claims will be worked out and settled by the Implementing Agency (IA). The claim cheques along with claim particulars will be released to the individual nodal banks. The banks at the grass-root level in turn shall credit to the accounts of the individual farmers and display the particulars of beneficiaries on their notice board."*

3. The learned counsel appearing for the 4th respondent Insurance

Company submits that the claim amount is assessed as per the scheme of modalities as provided under the National Agricultural Insurance Scheme. He further submits that for the year 2013-2014 itself, the Insurance Company has disbursed around Rs.14crore to farmers in Thoothukudi District. For Ilayarasandendal Firka alone, the Insurance Company has disbursed a sum of Rs.1,09,75,744/- to 1411 farmers.

4. According to the learned counsel appearing for the 4th respondent, the insurance amount shall vary from crop to crop and from firka to firka. The State Departments have to conduct CCE (crop cutting experiments) from the respective areas in firka wise and thereafter, they have to submit a report to the State Government. The State Government will forward the yield data to the Insurance Company, based on which, the Insurance Company will disburse the insurance amount by calculating the loss as per the Scheme.

5. The learned counsel appearing for the 4th respondent has also

relied on the Scheme and operation modalities issued by the National Agricultural Insurance Scheme and guidelines issued by the Agricultural Insurance Company India Limited.

6. In view of the fact that the 4th respondent Insurance Company has calculated the insurance amount depending upon the Crop Cutting Experiment conducted by the State Agencies and also based on their recommendations, this Court is not inclined to entertain these writ petitions.

7. Accordingly, these writ petitions are dismissed. No costs.

**08.11.2023**

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

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**B.PUGALENDHI, J.**

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