



WP No.1224 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.P.Manimaran
2.S.Kandasamy : Petitioners

versus

1.The District Collector,
Nagapattinam District

2.The New India Assurance company,
rep. By its Divisional Manager,
37246 Deva Tower III Floor,
Anna Salai, Chennai 2 : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to dispose of the representation dated 27.09.2019 given on behalf of the farmers of Keezhaputhanur Village and direct the District Collector to follow the procedure contemplated under the Pradhan Manthiri Fasal Bima Yojana and consequently direct the Insurance company.



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For Petitioners : Mr.A.R.Nixon
For Respondent No.1 : Mr.A.Edwin Prabhakar,
State Government Pleader
For respondent No.2 : Mr.J.Chandran

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.R.Nixon, learned counsel for the petitioners, Mr.A.Edwin Prabhakar, learned State Government Pleader, appearing for the first respondents and Mr.J.Chandran, learned counsel appearing for the second respondent.

2. The learned counsel for the petitioners submits that the farmers of Keezhaputhanur village were victims of Gaja cyclone and they sustained a huge loss. However, they were not paid compensation under the Pradhan Manthiri Fasal Bima Yojana. Agriculturists of neighbouring villages were paid compensation under the said scheme. According to the learned counsel, in the status report filed by the Joint Director of Agriculture, Nagapattinam, erroneously, it has been mentioned that four crop cutting experiments were conducted. However, only two crop cutting experiments were done. He relies upon



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Form II annexed with the petition.

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3. According to the learned State Government Pleader, four crop cutting experiments were jointly conducted by the Department of Economics and Statistics, Department of Agriculture, Department of Revenue along with Insurance company officials. As the Actual Yield was more than the Threshold Yield, agriculturists of Keezhaputhanur village were not entitled for the benefit of Pradhan Manthiri Fasal Bima Yojana.

4. We have considered the submissions made by the learned counsel.

5. The status report gives details about the threshold yield and the actual yield for various villages. The details are as under:

<i>S.No.</i>	<i>Name of the Village</i>	<i>Threshold Yield (Kg/Ha)</i>	<i>Actual Yield (Kg/Ha)</i>	<i>Claim Eligible/ Ineligible</i>
<i>1</i>	<i>Kilabudanur</i>	<i>1686.58</i>	<i>2225</i>	<i>Ineligible. No shortfall</i>
<i>2</i>	<i>Kilathanjavur</i>	<i>1730.54</i>	<i>607</i>	<i>Eligible</i>
<i>3</i>	<i>Marungur</i>	<i>1705.76</i>	<i>1076</i>	<i>Eligible</i>
<i>4</i>	<i>Melabudanur</i>	<i>1703.1</i>	<i>129</i>	<i>Eligible</i>



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S.No.	Name of the Village	Threshold Yield (Kg/Ha)	Actual Yield (Kg/Ha)	Claim Eligible/ Ineligible
5	Tiruchengathangudi	1611.54	587	Eligible
6	Tirumarugal	1735.86	769	Eligible
7	Tiruppayathangudi	1704.22	539	Eligible
8	Tirupugalur	1772.4	1058	Eligible

6. It has been mentioned in the status report about the actual yield arrived on the basis of the four crop cutting experiments conducted jointly by the Department of Economics and Statistics, Department of Agriculture, Department of Revenue along with Insurance company officials. The Department of Economics and Statistics finally provided the yield data to the State Government and the same is submitted to the Insurance company.

7. It is not a case of *mala fides* so as to disbelieve the status report and/or the statement of the officials. The officials were not to gain by making any erroneous statement. It will not be possible for this Court, in exercise of its power under Article 226 of the Constitution of India, to sit in appeal over the decision taken. The process, it appears, has been adhered to.



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8. In light of that, it would not be possible to come to the aid of the petitioners. The writ petition is accordingly disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
tar

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