



W.P.(MD).No.696 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.696 of 2024

S.Karuppaiya

... Petitioner

vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Joint Director of Agriculture,
Pudukkottai,
Pudukkottai District-622 003.

3.The Authorized Officer,
HDFC ERGO General Insurance Company Ltd.,
Rr Towers 2, 2nd Floor,
No.94/95, TVK Industrial Estate,
Guindy,
Chennai-600 032.

4.The Tahsildar,
Avudaiyarkovil Taluk,
Avudaiyarkovil,
Pudukkottai District.

5.The Village Administrator Officer,
No.53, Kumulur,
Ponpethi Saragam,
Avudaiyarkovil Taluk,
Pudukkottai District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to disburse the Crop Insurance amount under PMFBY Crop Insurance Scheme to the petitioner for his Crop Insurance Policy No. 0402332200601332827 in respect of properties in Survey Nos.117/14A, 117/5A, 117/8, 118/2, 118/4C, 119/7, 121/1A, 124/6, 134/4, 159/10D & 160/2 situated at Kumulur Village, Aavudaiyarkovil Taluk, Pudukkottai District.

For Petitioner	: Mr.L.Chandrasekaran
For R1, R2, R4 & R5	: Mr.D.Gandhiraj Special Government Pleader
For R-3	: No appearance

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to disburse the Crop Insurance amount under PMFBY Crop Insurance Scheme to the petitioner for his Crop Insurance Policy No.0402332200601332827 in respect of properties in Survey Nos.117/14A, 117/5A, 117/8, 118/2, 118/4C, 119/7, 121/1A, 124/6, 134/4, 159/10D & 160/2 situated at Kumulur Village, Aavudaiyarkovil Taluk, Pudukkottai District.



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2.The case of the petitioner is that the the petitioner is doing agricultural activities by cultivating crops in his farm lands. For PMFBY Crop Insurance Scheme, he get permission from the Revenue Officers (In-charge of Kumulur Village, Ponpethi Sargam, Avudaiyar Kovil Taluk, Pudukkottai District). He has insured his crops before the third respondent Insurance Company in the year 2022 under the Scheme of PMFBY for the extent of 1.67 Hectares for a total insured sum of Rs. 1,34,266.3/- and premium paid is Rs.2013.91/- per annum. He has paid a premium amount of Rs.2013.91/- dated on 14.11.2022 and got receipt vide Receipt No.0402332200601332827. The fifth respondent Village Administrative Officer also issued Adangal for his above said agricultural properties. Due to monsoon failure, there was heavy drought in his area and all his investments towards sowing the seeds, weeding, expenditure of fertilizers and deploying manual labour are all went in vain. As a relief measure, the Government of India has introduced the PMFBY Crop Insurance Scheme against the payment of premium to mitigate the sufferings and loss caused to the agriculturist on account of crop failure. He has also remitted the Agricultural Crop Insurance Scheme with the third respondents Office and they have issued the



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receipt for having accepted the insurance premium amount. Immediately, on 16.10.2023 he approached the first respondent on Monday Grievance Day requesting to disburse the amount to him towards PMFBY Crop Insurance Scheme for the loss of crops for that they have issued receipt. Thereafter, his application was forwarded to the second respondent for appropriate action, then the second respondent vide his letter in No.Oo. 2/9686/2023, dated 03.11.2023 replied that they reviewed after contacting the third respondent Insurance Company and accordingly, to the list provided by them, the crop insurance registration for revenue village in Aavudaiyarkovil has been done through them on the Prime Minister's Crop Insurance Scheme. The petitioner's agricultural lands mentioned in the above survey numbers are situated at Kumulur Village, Aavudaiyarkovil Taluk, Pudukkottai District. But the third respondent Insurance Company wrongly registered the village name as "Aavudaiyarkovil" instead of "Kumulur" for his agricultural lands in the said insurance vide receipt No.0402332200601332827. Hence, due to the above said mistake, he has not received the crop insurance from the third respondent. The fifth respondent also issued Adangal for the above properties which is situated at Kumulur Village, Aavudaiyarkovil Taluk,



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Pudukkottai District and the same was not considered and did the mistake by the third respondent Insurance Company. The petitioner is the senior citizen, due to the monsoon failure, he has lost all his income in the agricultural investments. Thereafter, on several occasions, he has approached the respondents 1 & 2 to issue crop insurance for his agricultural fields. But the respondents have not taken any steps. Hence, the petitioner has filed this writ petition with the aforesaid period.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1,2,4 & 5.

4. The grievance of the petitioner in this writ petition is with respect to non-payment of the sum assured by the respondent Insurance Companies.

5. This Court is of the view that the farmers are benefitted by the Scheme. The stage of the crop stood at the time of drought, is to be seen at the time of assessment and if no details available, it will be difficult to assess the same. Hence, Insurance Company has to be furnished with



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details by the Director of Economics and Statistics and others to arrive at a proper quantum of compensation with respect of payment of sum, which has been assured on reaching maturity. Whatever be the issues, ultimately, it is for the District Level Grievance Redressal Committee of those Districts to resolve the same by calling for the particulars from those, who are in possession of the insurance.

6. The petitioner is directed to approach the concerned District Level Grievance Redressal Committee within a period of four weeks from the date of receipt of a copy of this order, enclosing all the relevant materials and upon receipt of the said request, the said Committee has to conduct an enquiry, which includes collection of materials from other authorities, who are in possession of such particulars, and thereafter, take a conscious decision.

7. The aforesaid exercise will have to be done within two months from the date of receipt of a copy of the request as ordered in this proceedings. Based upon the recommendation of the District Level Grievance Redressal Committee to be made, the Insurance Company



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shall honour the petitioner and make payment as expeditiously as possible preferably within a period of one month thereafter.

8. Accordingly, this writ petition is disposed of. No costs.

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Index: Yes/No

NCC: Yes/No

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To

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V.BHAVANI SUBBAROYAN,J.

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