



W.P.(MD)No.18334 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.03.2024

CORAM:

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

W.P.(MD)No.18334 of 2019

S.Marimuthu

... Petitioner

/Vs./

- 1.The Secretary to Government,
Government of Tamil Nadu,
Agriculuture Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Assistant Director of Agriculture,
Ulavar Maiyam, Ramanathapuram.
- 4.The Regional Manager,
Agriculture Insurance Company of India Limite,
1st Floor, Andhra Insurance Buildings,
No.223, Thambu Chetty Street,
Parr's Corner, Chennai-600 001.
- 5.Alegion Insurance Brokings Pvt Ltd.,
Rep by its Managing Director,
7C, Perumal Koil Street,
Nerkundam, Chennai-600 107.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to reimburse



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the crop insurance amount to the petitioner as per Pradhan Mantri Fasal Bima Yojana (PMFBY) Scheme forthwith.

For Petitioner	: Mr.R.Murali
For R1 to R3	: Mr.R.Suresh Kumar Additional Government Pleader
For R4	: Mr.D.Srinivasa Raghavan
For R5	: No Appearance

ORDER

The petitioner with a grievance that the respondent Insurance Company has provided only 60% of the crop insurance amount to the petitioner, has filed this writ petition seeking mandamus to reimburse the gross insurance amount under Pradhan Mantri Fasal Bima Yojana (PMFBY) Scheme.

2.The petitioner is having lands in Thiruvadanai Taluk, Ramanathapuram District. The Government has introduced the insurance scheme for the farmers and the petitioner also joined in the scheme. In the year 2016-2017, due to failure of monsoon, the petitioner sustained heavy loss and hence, he made a representation to reimburse the insurance amount. The respondents have only paid a sum of Rs.3,35,560/- to the petitioner without considering the loss sustained by him.



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3.The grievance of the petitioner is that the respondents have paid 100% compensation to an adjacent land owner, however, they restricted the compensation to 80% for the petitioner. Hence, the petitioner is constrained to file this writ petition with the aforesaid prayer.

4.The learned counsel for the respondent Insurance Corporation has submitted that the insurance claim will be calculated only as per the provisions of the Scheme. After receipt of Yield Data from the State Government, the actual yield obtained is compared with the threshold yield. Any insured crop in a notified area recording lower actual yield than the threshold yield becomes automatically eligible for claim. The claim shall be calculated as per the following formula:

$$\text{claims payable} = \frac{(\text{Threshold Yield}-\text{Actual Yield})}{\text{Threshold Yield}} \times \text{Sum Insured}$$

Where, threshold yield for a crop in a notified area is the average yield of past seven years (excluding a maximum of 2 calamity years as notified by the State Government/UT), it is multiplied by applicable indemnity level for that crop. After receipt of areas sown data from the State Government, it is compared with area insured for Acreage discrepancy arises when area insured in a notified area is more than the total area sown in that notified area. If there is acreage



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discrepancy, sum insured is scaled down in the proportionate ratio of actual planted acreage to the insured acreage for the given crop. Claims shall be calculated on the scaled down sum insured.

5.He further submits that the petitioner belongs to Thiruvadanai Village. The eligible claim for Thiruvadanai Village during Rabi 2016-17 is 80.05% of the sum assured. The respondent Corporation had disbursed all the eligible claim to all the insured farmers including the petitioner without any delay. The claim of a person referred by the petitioner pertains to the claim of season-Paddy II crop in Neivayal village, which is different from the petitioner's village. Hence, he was settled with 100% compensation. Therefore, the respondent insurance company denies the contentions raised by the petitioner.

6.Recording the submission made by the Insurance Corporation that the entire eligible insurance amount has been settled to the petitioner as per the Scheme, this writ petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
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