



W.P.(MD) No.18304 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.18304 of 2018

Nammalvar

... Petitioner

Vs.

1.Union of India

By Department of Agriculture, Cooperation
& Farmers Welfare (DAC&FW),
Ministry of Agriculture & 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 Co. Ltd.,
Chennai Regional Officer,
Spencers Towers,
3rd Floor, 770-U, Anna Salai,
Chennai - 600002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for
issuance of a Writ of Mandamus directing the respondents to pay crop



W.P.(MD) No.18304 of 2018

insurance amount in respect of the petitioner's lands in Thombakulam Village, Vembakottai Taluk, Virudhunagar District insured under the Pradhan Mantri Fasal Bima Yogna (PMFBY) Scheme for season 2016-2017 within the time as may be prescribed by this Court.

For Petitioner : Mr.Y.Prakash
For R1 : No appearance
For R2 & R3 : Mr.S.P.Maharajan
Special Government Pleader
For R4 : No appearance

ORDER

This Writ Petition has been filed for issuance of a 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 the Pradhan Mantri Fasal Bima Yogna (PMFBY) Scheme for season 2016-2017 within the time as may be prescribed by this Court.

2. The learned Special Government Pleader for the second and third respondents would draw attention to paragraphs 6, 7, 8, 13 & 14 of the counter affidavit filed by the third respondent and submit that question of



W.P.(MD) No.18304 of 2018

paying any compensation to the petitioner does not arise. Paragraphs 13 &

14 of the counter affidavit reads as under:-

“13. Further, it is respectfully submitted that in Virudhunagar District, The New India Assurance Company has sanctioned so far a sum of Rs.117.916 Crore for 45605 farmers for Samba Paddy, Cholan, Cumbu, Maize, Cotton, Blackgram, Greengram, Redgram, Gingelly, Sunflower and Groundnut Crops under Pradhan Mantri Fasal Bima Yojana 2016-17 in which a sum of Rs.16.94 crore had been sanctioned exclusively for Cotton Crop, out of this Rs.16.91 crore has been disbursed to 8,176 farmers of Virudhunagar District. In that Rs.8,03,417/ (Eight lakhs three thousand four hundred and seventeen only) was given to 138 farmers under Pradhan Mantri Fasal Bima Yojana 2016-2017 in Srivilliputhur Taluk.

14. Paying Insurance Premium alone does not make a farmer eligible to claim the compensation amount. As per the guidelines if the yield is lesser than the last 7 years average yield, the compensation will be given.”

3. In paragraph 9 of the counter affidavit, the third respondent has admitted that only a sum of Rs.3,000/- was paid to the petitioner as compensation. According to the petitioner, the petitioner is in possession of land measuring an extent of 2 Acres and therefore, the payment of Rs. 3,000/-, as against the total sanction of Rs.2,44,06,851/- for agriculture



W.P.(MD) No.18304 of 2018

crops, does not commensurate, as the amount of Rs.3,000/- paid to the petitioner as compensation is paltry.

4. The counter affidavit of the third respondent also indicates that a further sum of Rs.34,50,745/- was released to 523 farmers in Srivilliputhur Taluk, for horticulture crops, during March, 2017. The amount that has been paid to the petitioner does not satisfy the method of calculation provided in paragraph 8 of the counter affidavit which reads as under:-

“If 'Actual Yield' (AY) per hectare of insured crop for the insurance unit (Calculated on basis of requisite number of Crop Cutting Experiments in insured season, falls short of specified 'Threshold Yield' (TY), all insured farmers growing that crop in the defined area are deemed in have suffered shortfall in yield of similar magnitude.

'Claim shall be calculated as per the following formula:

$$\frac{(\text{Threshold Yield} - \text{Actual Yield})}{\text{Threshold Yield}} \times \text{sum insured}$$

Where

Threshold yield for a crop in a notified insurance unit (Village) is the average yield of past seven years (excluding a maximum of two calamity year(s) as notified by State Government/UT) multiplied by applicable



W.P.(MD) No.18304 of 2018

indemnity level for that crop. If the yield during the current year is lesser than the Threshold yield, then only the farmer will get the insurance amount.

The yield loss in the insured area should be quantified by the Company for settling the claims. The yield loss in general due to drought alone does not make the farmers eligible for claim under Crop Insurance Scheme.”

5. Under these circumstances, there shall be a positive direction to the third respondent to re-assess the amount that ought to have been paid to the petitioner on account of the drought and thereafter, the amount shall be released either by the fourth respondent or by the third respondent. The same shall be recovered from the fourth respondent in the manner known to law. This exercise shall be carried out by the third respondent within a period of 4 weeks from the date of receipt of a copy of this order.

6. In the result, this Writ Petition stands disposed of. No costs.

04.07.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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W.P.(MD) No.18304 of 2018

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W.P.(MD) No.18304 of 2018

C.SARAVANAN, J.

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W.P.(MD) No.18304 of 2018

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