



W.P(MD)No.12502 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.12502 of 2018

and

W.M.P(MD)No.11375 of 2018

The Authorized Officer,
ICICI Lombard General Insurance Company,
G.V.Complex, 3rd Floor,
Office No.11/1-B, Bye Pass Road,
Madurai.

... Petitioner

Vs

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The District Level Monitoring Committee (DLMC),
Under Chairmanship of District Collector,
Pradhan Mantri Fasal Bima Yojana (PMFBY Scheme),
Sivagangai.

3.V.R.Thamilarasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent impugned order vide proceedings in Viva/1924/2017(1) dated 26.01.2018 and quash the same.

For Petitioner : Mr.V.Muthukamatchi

For RR 1 & 2 : Mr.D.Gandhi Raj
Special Government Pleader

For R – 3 : Mr.J.Jeyakumar



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ORDER

This Writ Petition has been filed by the petitioner challenging the order passed by the first respondent dated 26.01.2018 thereby ordering to pay the balance insured amount to the claimant ie., the third respondent.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The 'Pradhan Mantri Fasal Bima Yojana Scheme (PMFNY)' (in short hereinafter referred to as 'PMFNY Scheme') was introduced by the Union of India to support sustainable protection in agricultural sectors by way of providing financial support to the farmers suffering crop loss/damages arising out of unforeseen events, stabilizing the income of the farmer to ensure their continuance in farming and encouraging the farmer to adopt innovative and modern agricultural practices. Further, to ensure the flow of credit to the agricultural sectors which will contribute to food security, crop diversification and enhancing the growth and competitiveness of agriculture sectors besides protecting the



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farmers from product risks. All the farmers availed Seasonal Agricultural Operations (SAO) loans from financial institutions for the notified crops are covered compulsorily. While being so, the Government of Tamil Nadu vide Notification No.301, dated 21.09.2016 had notified the petitioner as one of the implementing agencies towards the implementation of the PMFBY Scheme in 10 Districts of the State of Tamil Nadu namely Sivagangai, Cuddalore, Tirupur, Tirunelveli, Thiruvallur, Coimbatore, Kancheepuram, Salem, Nilgiris and Thiruvannamalai. The petitioner made a request to invoke prevented sowing/germination failure in the Districts of Sivagangai on the basis of rainfall and remote sensing parameters observed therein. It was verified by ground truthing exercises and substantiated by a final yield outcome of zero or almost zero claims in the revenue Village. It was convinced by the Government of India on the basis of rainfall data that there was indeed an episode of prevented sowing/germination failure and advised the State Government to identify the Insurance Unit where prevented sowing/germination failure may have occurred in consultation with the Insurance Companies and So that prevented sowing/germination failure may be accordingly notified in these areas.



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4. Accordingly, the District Level Monitoring Committee convened a meeting with all stakeholders with respect to the invitation to prevent sowing in the Villages in the District of Sivagangai. It was decided to refer the issue to the 'Remote Sensing Based Information and Insurance for Crops in Tamil Nadu' (in short hereinafter referred to as 'RIICE') and 'Tamil Nadu Agricultural University' (in short hereinafter referred to as 'TNAU') for their views. As per the directions of the District Level Monitoring Committee, the first submitted the report of RIICE and TNAU vide letter dated 04.07.2017, confirming that prevented/failed sowing was observed in 41 revenue villages including the third respondent's Village of Sivagangai District. Accordingly, the petitioner had settled the eligible claims on the basis of the order passed by the first respondent, dated 04.07.2017.

5. While being so, the third respondent, who is one of the farmers from Uruvatti Village, filed a Writ Petition by way of Public Interest Litigation on behalf of his Village in W.P(MD)No. 16337 of 2017 stating that the classification of Uruvatti Village under the category of failed sowing is not correct and challenging the determination of the area as failed sowing on the basis of the



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satellite image process adopted by RIICE and TNAU and the directions issued by the District Level Monitoring Committee.

6.This Court, by order dated 10.10.2017 directed the first respondent to consider the representation submitted by the third respondent herein dated 07.08.2017 and directed to provide necessary opportunities of hearing. After due enquiry, the first respondent passed an order on 26.01.2018 thereby directing the petitioner to make the payment of claimed amount within a period of 21 days from the date of receipt of the order.

7.The only ground raised by the petitioner is that the petitioner was not given an opportunity of hearing and it is a clear violation of the principles of natural justice. Further, it is contrary to the report of the RIICE and TNAU and the directions issued by the District Level Monitoring Committee.

8.On perusal of the records would reveal that as directed by this Court in the Public Interest Litigation in W.P(MD)No. 16337 of 2017, dated 10.10.2017, the first respondent conducted



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an enquiry on 15.12.2017. In the enquiry, the petitioner had participated. After hearing all the parties and on the report submitted by all the authorities concerned, the first respondent found that no Village in Sivagangai District is coming under the prevented sowing/germination failure on the basis of rainfall and remote sensing parameters. Therefore, the petitioner is liable to pay the balance insurance amount within a period of 21 days from the date of receipt of a copy of this order. Hence, the ground raised by the petitioner cannot be countenanced and this Court finds no infirmity or illegality in the order passed by the first respondent, dated 26.01.2018. Therefore, the Writ Petition fails and the same is liable to be dismissed.

9. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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Sivagangai,
Sivagangai District.
- 2.The District Level Monitoring Committee (DLMC),
Under Chairmanship of District Collector,
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G.K.ILANTHIRAIYAN, J.

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Order made in
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