
(2014) 04 JH CK 0038
In the Jharkhand High Court
Case No : W.P. (PIL) No. 2286 of 2013

Dorothia Kerketta

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 24-04-2014

Acts Referred:

Citation : (2014) 04 JH CK 0038

Hon'ble Judges : R. Banumathi, C.J.; S. Chandrashekhar, J

Bench : Division Bench

Advocate : Arshad Hussain, Advocate for the Appellant; Ajit Kumar, A.A.G, Advocate for the Respondent

Judgement

1. This Public Interest Litigation has been filed for issuance of a direction upon the Respondent Nos. 3, 4 and 5 to pay the insurance amount to the persons of Basen Panchayat, Block- Kurdeg, Simdega on account of Agriculture Insurance Policy under National Agriculture Insurance Plan under which the insured amount is payable to the policy holder in case of the failure of Kharif Crops 2009. It is the case of the petitioner that in the Basen Panchayat, the farmers had insured their crops in the year, 2009 in Local Area Multipurpose Projects Society (LAMPS) Kurdeg and Kinkel. According to the petitioner, in the year 2009, a severe drought occurred in the State of Jharkhand and Bolba Block and Simdega Block in the district Simdega were also declared as drought hit areas due to scanty rainfall occurred. Further case of the petitioner is that, insurance claim of the persons in the same set of situation have been given in the adjoining blocks, but the amount has not been paid to the farmers of Kurdeg Block under the National Agriculture Insurance Plan and therefore, the petitioner, who is serving as Mukhia of Gram Panchayat, Basen Block, has filed this Public Interest Litigation.

2. We have heard Mr. Arshad Hussain, the learned counsel appearing for the petitioner as well as Mr. Ajit Kumar, the learned A.A.G., appearing on behalf of the respondents.

3. In the counter-affidavit dated 09.07.2013, the scheme of Agriculture Insurance Plan has been elaborated upon. It is seen from the averments in the counter-affidavit that the benefits of the crop insurance is paid to the members of the Panchayat where there is crop failure. It is further stated that percentage of crop failure is ascertained at the block level where, Panchayat as a whole yielded more than the average yield, no benefit of crop insurance shall be extended to such farmers. According to the respondents, there was no crop failure in Basen Panchayat of Kurdeg Block and therefore, the benefits of crop insurance was not extended to the farmers of the said Panchayat. In this regard, the learned A.A.G. drawn our attention to Annexure-A to the counter-affidavit. From the said annexure, it is seen that out of seven Blocks in the district of Simdega, the insurance for crop failure has been allowed in the three Blocks, including the Blocks of Simdega, Jaldega and Bolba. It is further seen that the major crop failure has occurred only in the Block of Jaldega. In other Blocks, from the chart produced by the respondents, it has been noticed that the crop failure has not been found by the authorities. The said chart has been prepared by the Deputy Commissioner, Simdega, in consultation with the District Co-operative Officer and Officer-in-Charge (Development Branch), Simdega, after the claim was ascertained by a Committee. It is also pertinent to note that for the Kharif Crop of 2009, the petitioner has filed the Public Interest Litigation only in the year, 2013. We find no reason to disbelieve the document produced by the respondents and therefore, we find no substance in the present Public Interest Litigation. Accordingly, it is dismissed.