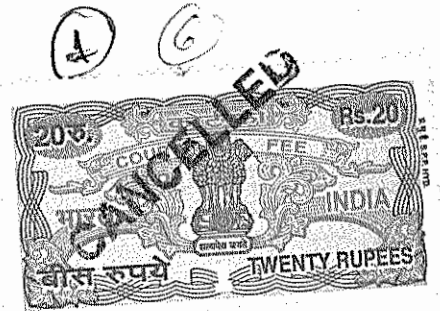




IN THE HON'BLE HIGH COURT OF CHHATTISGARH

AT BILASPUR

Single Bench

W.P.(C) NO. 1116 /2014

PETITIONER

: Suresh Kumar Tiwari S/o Shri
Amarnath Tiwari, Aged About-
50 years, R/o Village-
Bhalujhulan, Block- Kurud, Police
Station- Kurud, Distt.- Dhamtari
(C.G.).

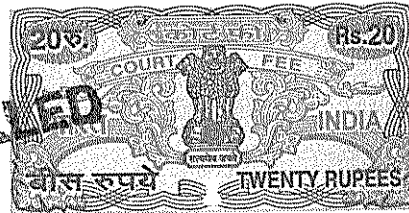
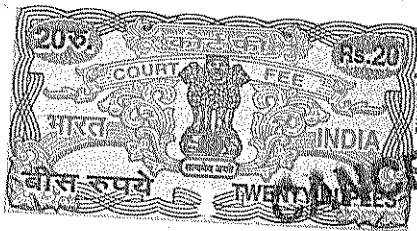
S.No. 1116/14
Presented by Shri Amil Yelme
dated 17.6.14

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through- the Secretary,
Department of Agriculture,
Mantralaya, Mahanadi Bhawan,
Raipur (C.G.).
2. The Director of Agriculture,
Directorate of Agriculture,
Chhattisgarh Raipur, Distt.-
Raipur (C.G.).
3. The Director of Agriculture
(Engineering), Directorate of
Agriculture (Engineering),
Chhattisgarh Raipur, Distt.-
Raipur (C.G.).
4. The Deputy Director of
Agriculture, Dhamtari, Distt.-
Dhamtari (C.G.).
5. The Sub Divisional Agriculture
Officer Dhamtari, Distt.-
Dhamtari (C.G.).





(2)

(7)

6. ✓ The Senior Agriculture Development Officer Kurud,
Distt.- Dhamtari (C.G.).
7. ✓ Panjab National Bank
Through- the Branch Manager,
Panjab National Bank Dhamtari,
Distt.- Dhamtari (C.G.).

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH : BILASPUR**W.P. (C) No.1116 of 2014****PETITIONER**

Suresh Kumar Tiwari

Versus

RESPONDENTS

State of Chhattisgarh & others

Single Bench : Hon'ble Shri Justice Prashant Kumar Mishra

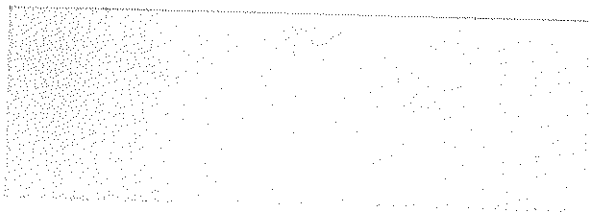
Present :- Shri Jitendra Gupta, Advocate for the petitioner.
Shri S. Rathore, Dy. GA for the State.

ORAL ORDER

(Passed on this 19th Day of February, 2015)

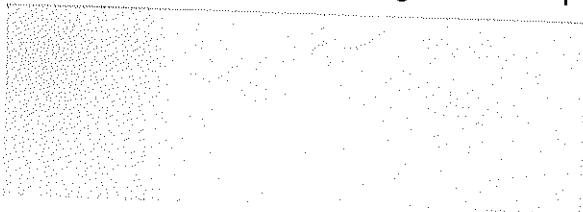
Heard learned counsel for the parties.

1. This petition under Article 226 of the Constitution of India is preferred seeking a direction to the respondent authorities to grant subsidy of Rs.44,475/- for purchasing a tractor.
2. Learned counsel for the petitioner would submit that the petitioner was registered as a beneficiary vide Annexure P-1 and thereafter loan was sanctioned in his favour and letter to this effect was sent by the Deputy Director Agriculture, Dhamtari to Punjab National Bank, Dhamtari. The said Bank sanctioned the loan and the petitioner purchased the tractor from M/s Sai Tactors for a sum of Rs.5,81,758/-. When subsidy was not paid to the petitioner, he submitted a representation, on which the Deputy Director Agriculture, Dhamtari wrote a letter to the Director Agriculture, Raipur mentioning that the Bank has not submitted required papers to the office, therefore, subsidy has not been granted.
3. Learned counsel would submit that the petitioner has purchased the tractor after being registered and his loan case being approved by the



Agriculture department, therefore, he is entitled for subsidy.

4. Learned State counsel would draw attention of the Court to para 8.3.1 (ख) of the subsidy policy, under which it is mentioned that subsidy would be payable to a beneficiary when the tractor is purchased from Chhattisgarh Agricultural Marketing Board (Agro Cell), however, the petitioner having not purchased the tractor from the said Agro cell of Mandi Board, he is not entitled for subsidy.
5. It is put forth by learned counsel for the petitioner that the petitioner was not aware of any such stipulation, therefore, he cannot be faulted with and the petitioner still deserves subsidy.
6. A perusal of the subsidy policy would reveal that the said policy was framed by the Directorate of Agriculture in the year 2002 for encouraging mechanization of agriculture. Under the scheme, the beneficiary would be identified at the district level and thereafter the subsidy would be made available when the purchase is made in accordance with the scheme. Para 8.1.2 of the policy provides that the agricultural equipments shall be supplied through the Chhattisgarh State Agriculture Mandi Board (Agro Cell) or the Directorate of Agricultural Engineering or Indira Gandhi Krishi Vishwavidyalaya or the Marketing Federation. In relation to purchase of tractors, it is specifically provided in para 8.3.1 (ख) that for being entitled to obtain subsidy tractor is to be purchased from Chhattisgarh Mandi Board (Agro Cell).
7. The petitioner having got himself registered under the scheme, as is apparent from registration certificate (Annexure P-1), he was under obligation to go through the complete scheme including its terms and





conditions. Once being registered under the scheme, the petitioner cannot agitate that he was not aware of the terms of the scheme. If petitioner's contention is accepted, a beneficiary may purchase the tractor from an unauthorized person and later on claim benefit of subsidy. Such is not the intention of the scheme and in fact it is not permissible in the scheme, therefore, the petitioner was not entitled for subsidy.

8. There is no substance in the writ petition, it fails and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge