

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9019 OF 2014
WITH CA/12360/2014 IN WP/9019/2014

RAMESHWAR TRIMBAKRAO JIGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Sable Bhagwan R.
AGP for Respondents No.1 to 3:Mr. B.N. Patil
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CORAM : R. M. BORDE & P.R. BORA, JJ.

Dated: July 22, 2015

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PER COURT :-

1 The petitioner is praying for issuance of directions to respondent No.3, to release the amount of grant-in-aid, approved, as per the list of eligible farmers of village MathPimpalgaon, who have lost their crops to the extent of 50% in hailstorm & heavy rains and also further prays for suitable directions to Jalna District Central Cooperative Bank for disbursement of the amount.

2 An application has been presented, being Civil Application No.12360 of 2014, by 14 applicants, seeking intervention in the petition. It is contended by the interveners that, they are also entitled to claim benefits.

3 An affidavit in reply has been presented on behalf of respondent No.2, by the Tahsidlar, Ambad, district: Jalna. He has stated in paragraph Nos.5 to 7 as below:-

" 5. The deponent says and submits that, the deponent ordered to the Circle Officer by issuing Official order dt. 17.7.2014 pursuant to that, order, the circle Officer, Dhargar Pimpri submitted report to the deponent mentioning in that report that, the inspection has been made at the spot itself along with committee members by making Video shooting and further it has been mentioned in the report that, the villagers have been called for meeting. The deponent submits that, filed inspection has been made by the Circle Officer along with his committee and it has been found that there was no crops standing in the fields and the land has been cultivated and prepared for foregoing season. The deponent submits that, when the circle Officer and his committee members had been to the inspection, no one was ready to give proper information and the farmers demanded that they want grant in aid to all the farmers of Mathpimpalgaon

irrespective of crops sown and as per the village Form 8-A which was not permissible as per the rules and directions of the Government.

6. The deponent says and submit that, the committee consisting member of Talathi, Gramsevak and Agriculture Assistant as ordered on dtd. 10.3.2014 personally visited to the fields of all the farmers and prepared panchanama accordingly and list of grant in and was prepared on the basis of those panchanamas and that list should be considered as final list. The deponent says and submit that, in village Mathpimpalgaon rival political groups are there. Being aggrieved by the present petition along with Civil application filed by the complainants/petitioners, the deponent forwarded a letter to the Branch Manager, DCC Bank, Golapangri on 19.5.2014 that has been Exhibited by the applicants as Exh-C. It has been mentioned in the said letter that, the amount not to be disbursed until due enquiry is completed by the deponent. The deponent further submits that, due enquiry has been conducted with the help of Revenue circle Officer,

Agriculture Officer, concerned Talathi and concerned Agriculture Assistant. It has been found that, the list prepared for the grant in aid of hail storm affected beneficiaries of village Mathpimpalgaon that has not been bogus or mala fide.

7. The deponent says and submit that, if this Honourable Court directs to release the grant in aid amount to the beneficiaries of village Mathpimpalgaon as per the list prepared by the Committee and submitted to the DCC Bank Golapangri, the deponent is ready to disburse the amount. The deponent will direct the concerned Bank to release the amount which has been withheld by the deponent. The copies of order issued for conducting joint panchnama and the copy of report of Circle Officer dated 20.7.2014 are annexed herewith and marked as Exh.R-1 collectively. "

4 So far as claim of 14 applicants in Civil Application No.12360 of 2014 is concerned, it is stated by Tahsidlar that, in the video shooting recorded, it has been revealed that, the land was

ploughed and there was no crop standing in the field. There is no presumption that, the applicants have lost 50% crops due to hailstorm. It is further reported by the Tahsildar that, while preparing the list, no fraud appears to have been committed by the concerned committee members and the list prepared is in order.

5 In this view of the matter, we permit the Tahsidlar to disburse grant in aid to the eligible farmers, as per the list prepared by the department which is found to be genuine. The disbursement of the amount shall be within a period of four weeks from today.

6 With the directions as above, writ petition stands disposed of.

6 Pending Civil Applications do not survive and stand disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)