

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9236 OF 2014**

Anil Krishna Rengade & Ors.	...Petitioners
Versus	
State of Maharashtra & Ors.	...Respondents

Mr. Abhishek Bhaduri i/b Mr. Ravindra Lokhande for the Petitioners

Mr. V. S. Gokhale, A.G.P for the Respondent Nos. 1 to 4

CORAM : A. S. OKA AND
REVATI MOHITE DERE, JJ.

TUESDAY, 16th JUNE, 2015

ORDER :

1. Heard learned Counsel appearing for the petitioners and the learned A.G.P for the respondents.

2. By this petition under Article 226 of the Constitution of India, the petitioners have made a grievance that the respondents have failed to disburse compensation in terms of Government Resolutions dated 4th June, 2012 and 29th April, 2006. There is a reply filed by Shri Arun Dhondiram Ahire, Senior Administrative Officer, Office of the Regional Joint Commissioner of Animal Husbandry, Mumbai. In paragraph 3 of the said

affidavit, he has stated that out of the 24 petitioners, only 17 petitioners whose names appear in Exhibit 1 to the said reply were found to be eligible to receive financial assistance. Paragraphs 4 and 5 of the said affidavit read thus:

“4. With reference to para 3(e) of the Petition, I state that Finance Department has been submitted supplementary Demand of Rs. 5 crores for approval of State Legislature in its Winder Session, 2014. As soon as the appropriation bill is approved by the legislature funds will be made available as per usual procedure.

5. With reference to para 3(j) of the Petition, I say that as soon as the grants are made available to the Department, the same will be disbursed to Commissioner, Animal Husbandry Department and the same will be released to eligible beneficiaries through concerned District Deputy Commissioners of Animal Husbandry Department.”

3. In paragraph 6, he has reiterated that the Government has agreed to provide financial assistance to the eligible poultry farmers as per the Government Resolution in question and that, the financial assistance shall be disbursed as soon as the necessary grants are received to the Department of Animal Husbandry.

4. We accept the aforesaid statements made by Shri Arun Dhondiram Ahire. Thus, 17 out of 24 petitioners whose names appear

in Exhibit 1 to the reply are eligible to receive financial assistance in terms of the Government Resolutions. Those petitioners who are held to be ineligible, will have to adopt appropriate proceedings for challenging the action of holding them as ineligible. As far as remaining 17 petitioners are concerned, the State will have to release the compensation amount as expeditiously as possible. We must note here that under the Government Resolutions, financial assistance is to be rendered to the persons carrying on poultry business whose business was affected by Bird Flu. We, therefore, propose to grant time of two months to the State Government to release the entire financial assistance to the eligible petitioners. Hence, we dispose of the petition by passing following order :

ORDER

- (i) We direct the respondents to release the entire amount of financial assistance to 17 petitioners whose names appear in Exhibit 1 to the affidavit in reply of Shri Arun Dhondiram Ahire, as expeditiously as possible, in any event, within a period of two months from today;

- (ii) We grant liberty to those petitioners who are held to be ineligible to challenge the decision of the State Government holding them ineligible. All contentions of the said petitioners in that behalf are expressly kept open.
- (iii) Petition is disposed of on the above terms.
- (iv) All concerned to act on the authenticated copy of the order.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)