

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.17480 OF 2012

DATED:29-10-2015

Between:

Dubbaka Sridhar Reddy ... Petitioner

And

The Government of Andhra Pradesh
Rep. by its Principal Secretary
Agriculture
Secretariat Buildings
Saifabad, Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Y. Rama Theeratha, for Mr. B. Laxman

COUNSEL FOR RESPONDENT NOs.1 to 3: A.G.P. for Agriculture (TS)
COUNSEL FOR RESPONDENT NOs.4 and 5: None appeared

THE COURT MADE THE FOLLOWING:

-
-
-
-

ORDER:

-

This writ petition is filed for a mandamus to declare the action of the respondents in not providing input subsidy to the petitioner for the crop allegedly cultivated by him in his land during 2011 Khariff season.

The petitioner pleaded that he owns Ac.20.00 of land in Sy. Nos.52 and 61 of Chowdampalli Village, Narketpalli Mandal, Nalgonda District, that out of the said extent, he has leased out Acs.10.00 to other farmers and he raised cotton crop in the balance Acs.10.00 of land. He has further pleaded that the Government of Andhra Pradesh has sanctioned input subsidy to farmers whose crops have been affected on account of dry spell and erratic power supply during December, 2011 and that the petitioner has been denied the said subsidy.

Respondent No.3 has filed a counter affidavit wherein he has averred that the petitioner is the absolute owner of Ac.22.33 guntas out of which only Ac.19.05 guntas of land was cultivated and Acs.3.28 guntas was left fallow as per the revenue records of Chowdampalli village, that as per the Loan Eligibility Cards of the Revenue Department, the petitioner has leased an extent of Ac.8.05 guntas to one T. Venkateswara Rao, S/o. Hanumanth Rao, and an extent of Ac.11.28 guntas to Kommineni Sambashiva Rao, S/o. Ramaiah, and that as the petitioner has not cultivated any land on his own, input subsidy was not sanctioned on his name. It is further stated that the petitioner's tenants, namely, Mr. T. Venkateshwara Rao and Mr. Kommineni Sambhasiva Rao were included in the input subsidy beneficiaries' list prepared vide Memo No.NC. Cell(1)488/2010, dt.6.6.2011 of the Commissioner & Director of Agriculture, Andhra Pradesh, Hyderabad, and that as the petitioner has not cultivated any land on his own, his name was not included.

At the hearing, Mr. Rama Theertha, learned counsel appearing for the

petitioner, submitted that there is discrepancy in the names of the petitioner's tenants between proceedings dt.7.4.2012 of respondent No.5 and the averments in the counter affidavit.

The fact that input subsidy is limited to Acs.5.00 of land owned by each farmer is not in dispute. In strict sense, the petitioner who owns Acs.20.00 of land is entitled to input subsidy for Acs.5.00 only. However, as per the respondents' version the petitioner's two tenants were granted input subsidy for Acs.5.00 each. However, there is a serious dispute between the parties about one of the two tenants of the petitioner. As noted above, there appears to be some discrepancy between the certificate issued by the Tahsildar and the counter affidavit filed by the Joint Director of Agriculture. Be that as it may, even if the petitioner is held entitled to input subsidy in respect of Acs.5.00 of land, the burden lies on him to show that he has actually cultivated the same. In support of his submission that he has cultivated Acs.5.00 of land, he has filed copies of pahanies for 2009-2010, a perusal of which shows that the petitioner is shown to be in possession of Ac.5.11 guntas. However, the entry relating to column No.21 pertaining to crop is kept blank. Thus, the evidence relied upon by the petitioner does not support his plea that he has raised cotton crop over Acs.5.00 of land. In the absence of any conclusive proof adduced by the petitioner in support of his plea that he has raised cotton crop over Acs.5.00 of land, the petitioner is not entitled to input subsidy.

For the above mentioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.22405 of 2012 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

29-10-2015

bnr