

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23267 of 2013

=====

1. Brij Vilas Rai S/O Late Raj Dayal Rai Resident Of Village And Post Office- Sarenja, P.S- Rajpur, District- Buxar.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Deptt, Of Agriculture, Bihar, Patna.
2. The Agriculture Produce Commissioner, Agriculture Department, Bihar, Patna.
3. The Director, Agriculture Department, Bihar, Patna.
4. The Joint Director, Agriculture Department, Patna Division, Patna.
5. The District Agriculture Officer, Buxar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Roy &
Mr. Rana Ishwar Chandra,
Advocates.

For the Respondent/s : Mr. Prashant Pratap, GP-2

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL JUDGMENT

Date: 09-08-2016

Heard Mr. Rajeev Roy for the petitioner and AC to GP-2
for the State.

Parties have exchanged pleadings.

Under the government scheme to provide subsidy in Agriculture Modernization Programme initiated by the respondents, any agriculturist can apply and obtain subsidy on purchase of the combined harvester in the financial year 2009-2010. The petitioner purchased the combined harvester but the respondents have not till date paid the subsidy amount to the petitioner or the Bank from

where the loan was obtained. Precisely, with this grievance the writ application has been filed.

Mr. Roy has referred to few communications exchanged between the Director, Agriculture Department and the District Agriculture Officer in order to submit that the District Agriculture Officer was delinquent in not taking steps for payment of the subsidy when such application was filed. The stand of the District Agriculture Officer is that initially a defective application was filed. However, if the fund is made available, the subsidy amount can be paid/credited in the loan account of the petitioner. It is, however, stated that the subsidy amount may not be paid for the previous financial year.

After all the Scheme is for the benefit of the farmers. If the petitioner propelled by such Scheme has purchased the combined harvester to modernize his agricultural operations, it sounds not just to deny him the subsidy on the ground that the financial year in which such purchase was made has lapsed. However, on going through the records, it appears some enquiry has been made in this regard by the higher authority. From the communication of the respondent-District Agriculture Officer dated 12.07.2012 (Annexure-14) it appears that the payment of the subsidy on purchase of the combined harvester under the Scheme sponsored by the State or the Union of India has not seriously been objected.

Having given my anxious consideration to the

submissions of the parties, this Court would not issue a positive direction. Instead, the matter is left to be examined once again by the respondent- Director, Agriculture Department, Govt. of Bihar on a representation filed by the petitioner within 03 weeks from today. If any such application is filed, I am sure, the respondent Director, Agriculture Department will consider the same, in the light of the objectives of the Scheme under which such subsidy is to be paid to the farmers, like the petitioner and take a decision and/or pass appropriate orders in accordance with law as quickly as possible preferably within 02 months of such filing. By way of clarification, this Court observes that in doing so, the respondent -Director, Agriculture Department shall not, in any way, be precluded or prejudiced by the order contained in Annexure-10.

(Kishore Kumar Mandal, J)

Shyam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.08.2016
Transmission Date	N/A