

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.10.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P. No.6112 of 2013

P.Janaki

.. Petitioner

Vs

1.The State of Tamil Nadu
rep. by the Joint Director of Horticulture,
Udhagamandalam,
The Nilgiris District.

2.The Deputy Director of Horticulture,
Udhagamandalam,
The Nilgiris District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to pay the subsidy amount of Rs.1,50,000/- under the National Horticultural Mission Scheme 2011-2012 within a stipulated period.

For Petitioner : Mr.R.Prem Narayan
For Respondents: Mr.V.S.Ramesh,
Government Advocate

ORDER

This petition has been filed by the petitioner, directing the respondents to pay the subsidy amount of Rs.1,50,000/- under the National Horticultural Mission Scheme 2011-2012 within a stipulated period.

2.The case of the petitioner is that she has sent an application dated 07.11.2011 to the respondents for sanctioning of 50% subsidy amount for installing shade net to develop the plant nursery. Though the same was also approved by the District Machine Committee on 18.11.2011, no order has been passed till date. Hence, she is before this Court.

3.Learned counsel appearing for the respondents would submit that the scheme has come to an end on 30.03.2012 and that the subsidy, which was allotted for the said scheme, was exhausted

and hence, the petitioner would not be entitled for the said claim.

4.The respondents having admitted that the application was already approved on 18.11.2011 and consequently the Assistant Director of Horticulture, Gudalur having issued a certificate, certifying that the shade net house has actually been constructed by the beneficiary and the same has also been certified after the inspection of the shade net house of an area of 500 sq.mt., it is not proper on the part of the respondents now to state that the scheme has come to an end on 31.03.2012. The approval of the application and the consequent completion certificate issued would preclude the respondents from taking a defence that the scheme has now come to an end and thereby deny the benefit to the petitioner. I see no justification in their stand.

5.Accordingly, this writ petition is disposed of with a direction to the first respondent to pay the subsidy amount to which she is entitled to under the National Horticultural Mission Scheme 2011-2012, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1. The Joint Director of Horticulture,
The State of Tamil Nadu, सत्यमेव जयते
Udhagamandalam,
The Nilgiris District.

2.The Deputy Director of Horticulture,
Udhagamandalam,
The Nilgiris District.

+lcc to Mr. B. Prem Narayanan, Advocate, S.R.No.57651
+lcc to the Government Pleader, S.R.No.57829

vgi (CO)
md (9/11/2016)

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