



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2016

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.16826 of 2013

and

W.M.P (MD) No.6112 of 2016

R.Sudha

... Petitioner

Vs.

1.The Assistant Director,
National Horticulture Board,
Ministry of Agriculture,
Government of India, Model No.37,
2nd Floor, SIDCO Readymade Garments,
Industrial Estate, Guindy,
Chennai 600 032.

2.The Chief Manager,
Bank of India,
Sivakasi.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the petitioners claim of subsidy in the letter ref. No. NHB/33ATN0005059/1588-89 dated 05/7-08-2013 of the 1st respondent quash the same and to direct the Ist respondent to pay the eligible subsidy amount of Rs.8 lakhs within a stipulated time.

For Petitioner	: Mr.A.Sivaji
For 1 st Respondent	: Mr.R.Saravanan
For 2 nd Respondent	: Mr.Pala.Ramasamy

ORDER

Challenging the order passed by the first respondent dated 07.08.2013 rejecting the claim of the petitioner for grant of subsidy under the National Horticulture Board Scheme for development of Commercial Horticulture through production and post harvest management of horticulture crops, the present writ



2. Heard Mr.A.Sivaji, learned counsel appearing for the petitioner and Mr.Pala.Ramasamy, learned counsel appearing for the second respondent and Mr.R.Saravanan, learned counsel appearing for the first respondent.

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3. According to the petitioner, a letter of intent has been issued by the first respondent on 20.10.2011 and thereafter, the petitioner applied to the first respondent seeking subsidy under the NHB's scheme. The said application has been rejected on the ground that the term loan should be less than 35% as per the resolution of the 32nd State Committee Meeting held on 31.07.2013. Challenging the said order, the present writ petition has been filed.

4. The first respondent has filed a counter affidavit explaining the circumstances under which the application has been rejected.

5. I have considered the submissions made on either side and perused the materials available on record.

6. A perusal of the impugned order passed by the first respondent shows that without giving an opportunity of hearing to the petitioner, the first respondent has rejected the application based on the resolution of the 32nd State Committee Meeting held on 31.07.2013.

7. At this juncture, learned counsel appearing for the petitioner would submit that the only reason given by the Committee is that the term loan should be less than 35% whereas the petitioner term loan percentage is below to 35% and the first respondent passed the order without considering the same and without giving any opportunity to the petitioner to explain the same.

8. In the above circumstances, since the first respondent passed the impugned order without giving any opportunity of hearing to the petitioner, the impugned order passed by the first respondent is set aside on the ground of violation of principles of natural justice and the matter is remanded to the first respondent. Consequently, the first respondent is directed to conduct a detailed enquiry and consider the application of the petitioner afresh and pass appropriate orders on merits and in accordance with law after giving opportunity to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



9.The writ petition is accordingly allowed. No costs.
Consequently, W.M.P(MD)No.6112 of 2016 is closed.

Sd/-

Assistant Registrar (cs-I)

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Sub Assistant Registrar

sms

To,

1.The Assistant Director,
National Horticulture Board,
Ministry of Agriculture,
Government of India, Model No.37,
2nd Floor, SIDCO Readymade Garments,
Industrial Estate, Guindy,
Chennai 600 032.

+1CC to Mr.A.Sivaji, Advocate Sr.No.68544

+2CC to Mr.R.Saravanan, Advocate Sr.No.68075

GJM/SS2/15.12.16-3P-5c

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