

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO. 40 OF 2016

Jivanrao Keruba Bajgude .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri N. L. Jadhav, Advocate for the Petitioner.

Shri A. B. Girase, Govt. Pleader for Respondent Nos. 1 to 4.

**CORAM : S. C. DHARMADHIKARI AND
MANGESH S. PATIL, JJ.**

DATE : 13TH JULY, 2017.

PER COURT :

. We have heard both sides. After perusing the public interest litigation and all the annexures thereto and particularly reliefs sought, we do not think that there is any discrimination. The Maharashtra State Horticulture and Medicinal Plants Board, Pune addressed a letter dated 04th November, 2015 to the District Superintendent Agriculture Officer, Beed. The said letter clarifies that, Rs. 50.00 crores were sanctioned in the State of Maharashtra for encouraging farmers to take up horticulture and more particularly in water scarcity areas. If, they undertake such horticulture measures and plant necessary medicinal trees, they would receive from the Government the incentives. However, as far as Beed district is concerned 1442 hector land

was identified and Rs. 2.00 crores were sanctioned. However, Rs. 3.98 crores were disbursed in Beed district for 3645.51 hectares land. This according to deponent of the affidavit in reply is above the target. The request of the farmers, now to allow them to avail the benefits of the scheme cannot be considered, as no funds are available. Eventually, recommendations were made by the officials in Beed district and with all sincerity they demanded additional sum of Rs. 5.60 crores by their letter dated 03rd July, 2015. However, the board finding that there are constraints of funds and particularly public funds which cannot be released any further did not favourably consider this request. Though all farmers are on par and in such areas and they should be extended benefits of welfare scheme or scheme meant to assist them, some of them did not obtain the benefit or assistance, does not mean that, there is discrimination. It is clear that, the farmers in Beed district were extended the benefits and granted the assistance later on. There were constraints on funds. If there were financial limits, beyond it the scheme cannot work, then we cannot compel the State to continue the benefits or assistance by pooling in or infusing more funds. It is entirely for the experts to device such welfare measures and to implement them consistently with the availability of funds. Once they have not discriminated amongst any farmers, then, merely because some of them could not obtain the benefits, does not mean either there is discrimination or the authorities have acted malafide. We do not think that in the public interest litigation any relief can be

granted in favour of the petitioner. We are satisfied with the explanation on affidavit. The public interest litigation petition is dismissed. No costs.

[MANGESH S. PATIL, J.]

[S. C. DHARMADHIKARI, J.]

bsb/July 17