

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

Public Interest Litigation No.81 of 2014

Babanrao s/o Dattatrey Yadav (Lonikar) .. **Petitioner.**

Versus

The State of Maharashtra & Others. .. **Respondents.**

Shri. R.V. Dasalkar, Advocate, for petitioner.

Shri. A.B. Girase, Government Pleader, for respondents.

**Coram: Dr. MANJULA CHELLUR, CJ &
R.M. BORDE, J.**

Date : 28 June 2017

ORDER:

1) The present public interest litigation is filed alleging discrimination in the disbursement of financial aid to the farmers who have suffered economically due to unseasonal rain and hailstorm. In terms of the reply filed by the State, the State has placed on record denying such discriminate disbursement of amount and according to them after conducting inspection and drawing panchanama detailing of affecting farmer's land then only the amounts are disbursed. This issue pertains to Jalna District.

2) Paragraph Nos.4 and 7 to 10 of the reply affidavit, which read as follows, are relevant and are reproduced.

"4. At the out set, I say that, there was no irregularity or discrimination in the disbursement of financial aid to farmers. On the contrary, the panchanama of affected fields is done jointly by the Talathi, Gramsevak and Agriculture Assistant in presence of two panchas as per the directions of District Collector, Jalna by letter dt. 27.2.2014. There are signature of panchas on the panchanama. The allegations by the petitioner are without submitting any corroborative evidence, hence denied. Copy of said letter dt. 27.2.2014 is annexed herewith and marked as Exh. R-1.

7. I say that, the financial aid is distributed as per panchanama conducted by visiting the fields by the Talathi, Gramsevak and Agri. Assistant to assess the affected area and actual loss of crops for distribution of aid as per Government Resolutions Dt.20-03.2014 and 21-03-2014. The allegations regarding non distribution of financial aid in Badnapur Taluka were enquired into on directions from the District Collector. The Tahsildar, Badnapur received 51 complaints and after verification, 43 farmers are held to be

eligible for aid. Copy of complaints and action taken report are annexed herewith and marked as Exh. R-3 collectively.

8. I say that, the most of farmers are having their accounts with the Jalna District Co. Op. Bank. So the financial aid is deposited with the JDCC Bank as per the guidelines mentioned in Govt. Resolution dated 20-3-2014 and 21-03-2014. There is no scope for the authority to choose the farmers who are from any political party.

9. I say that, the State Government has sanctioned financial aid in 3 phases, so as to distribute the same to the affected villagers. I say that, the aid is given to all villages. The villages from Mantha Taluka mentioned in the petition have been granted aid in the months of April and May 2014. The copy of report of disbursement of financial assistant is annexed herewith and marked as Exhibit R-4.

10. I say that, the contentions raised by the petitioner are denied by the respondents on the ground that, the Hon'ble Minister for Settlement and Rehabilitation made a statement on 11 June 2014 that, the aid would be distributed in 15

days. However, the respondent authorities have distributed financial assistance in the month of April and May 2014. Most of the hailstorm affected farmers had been given financial assistance before the above said announcement. Only those farmers whose complaints was received were given aid after verification by senior officials. Further this deponent states that, aid has been distributed without discrimination."

3) In the light of the above, since steps already are taken which indicate a proper procedure to assess and opine who should be given financial assistance, we are of the opinion that in the public interest litigation nothing else needs to be done. However, if any individual farmer has not received money and claims that he is entitled for such money, he is always at liberty to approach the authority or seek writ of mandamus against the authority if his representation is not considered. With these observations the petition is disposed of.

Sd/-
(R.M. BORDE, J.)

Sd/-
(CHIEF JUSTICE)