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

WRIT PETITION NO.2950 OF 2017

Audumber Youva, Kala, Krida,
Shaikshanik, Samajik, BahuUddeshiya
Sevabhavi Vikas Pratisthan, Ghumri,
Tq. Karjat, Dist. Ahmednagar, Through its
President, Dr. Vasant s/o Ramesh Anbhule,
Age: 32 years, Occu: Agriculture,
R/o. Ghumri, Tq. Karjat,
Dist. Ahmednagar

..PETITIONER

VERSUS

1. The State of Maharashtra,
through the Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32
2. The Collector, Ahmednagar,
Tq. & Dist. Ahmednagar
3. The Tahsildar, Karjat,
Tq. Karjat, Dist. Ahmednagar

..RESPONDENTS

Mr S. D. Tawshikar, Advocate for petitioner;
Mr S. M. Ganachari, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
SMT. VIBHA KANKANWADI, JJ.**

DATE : 22nd December, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner and
learned Asstt. Govt. Pleader appearing on behalf of respondents.

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2. With consent of the parties, petition is taken up for final hearing disposal.

3. By the present petition, the petitioner is before this Court mainly with a prayer, namely, prayer clause (B), which reads thus:

“B) To direct the respondent No.2 and 3 to pay amount of Rs.2,60,700/- (Two Lac Sixty Thousand Seven Hundred rupees only) to the petitioner as per the communication of respondent No.1 to respondent No.2 dated 25-04-2016, along with interest at the rate 12% p.a., by issuing writ of mandamus or any other writ or order;”

4. It would not be out of place to refer to certain undisputed facts giving rise to the present petition. The State Government, considering the drought situation in the year 2011-12 thought it fit to constitute certain cattle camps popularly known as "Chara Chhavani". The directions were issued by the State Government considering the geographical conditions of various districts as well as rainfall, etc.

5. In response to the Government policy, certain institutes, organizations including the non governmental organizations started these cattle camps. As per the Government policy, the financial aid was to be provided to these cattle camps. The petitioner was one of such institutes, in whose favour the permission was granted to open cattle camps. The petitioner - institute

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submitted a claim before the Revenue authorities of the State of Maharashtra and particularly before respondent No.3 - Tahsildar, Karjat. Though the petitioner's claim was allowed, the petitioner found that there is a difference in the amount granted in favour of the petitioner - institute. In view of Government policy, the petitioner - institute approached the Collector making a request for payment of difference amount.

6. On receiving the claim of the petitioner, the Collector, by communication dated 1st February, 2014, directed the Tahsildar, Karjat to submit the self speaking report. The Collector also directed the Tahsildar that the report be submitted along with the necessary documents and the list of such documents is also provided in the communication dated 1st February, 2014. The Tahsildar, in his report along with the necessary documents dated 10th February, 2014 submitted to the Collector that the petitioner - institute is entitled to receive the difference of amount to the tune of Rs.2,60,700/-. The Tahsildar referred to the fact situation, namely, the availability of the cattle and then it is also stated in the report that it was the mistake committed by office of the Tahsildar while referring to the factual situation and this led to grant of lesser amount to the petitioner - institute than the amount to which the petitioner - institute was entitled to.

7. The claim of the petitioner was pending before the Collector for a considerable long time, as such, the petitioner - institute approached the

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State Government reiterating its request. By communication dated 25th April, 2016, the Deputy Secretary of State of Maharashtra, by referring to the report of the Tahsildar, Karjat informed the Collector to do the needful immediately in respect of payment of difference amount to the petitioner - institute. In spite of this communication, as no order was passed by the Collector, the petitioner - institute was left with no choice, but to make a request again to the Collector on the day, namely, 'Lokshahi Din'. A copy of said representation dated 3rd October, 2016 is also placed on record.

8. By an order dated 9th March, 2017, the Division Bench of this Court referred to the grievance of the petitioner and issued notice to the respondents. In response to the notice, an affidavit-in-reply is filed on behalf of respondent Nos.2 and 3. Respondent Nos.2 and 3 are the Collector, Ahmednagar and the Tahsildar, Karjat, respectively. The affidavit-in-reply is filed through Shri. S. S. Alhat, Resident Naib Tahsildar, Karjat. A very interesting stand is taken by these respondents in their affidavit. It is stated in the affidavit-in-reply that the demand is made by the petitioner after lapse of six months period. It is then stated that the petitioner - institute has executed a receipt that it has received amount of Rs.2,32,320/- for the period of 1st July, 2013 to 8th July, 2013 and then it is stated in the affidavit-in-reply that the demand made by the petitioner - institute is not at all maintainable and acceptable. We are surprised to see the mechanical approach of respondents authorities.

9. The State Government certainly with a laudable object floated a scheme, namely, cattle camps i.e. Chara Chhavani and the intention is to have a public participation to meet an adverse situation like drought situation and to provide some assistance to the farmers in general so that the farmers are not deprived of having the facilities of fodder being provided to their cattle.

10. In response to the Government policy, the institutes submitted their claims seeking permission from the Government. The petitioner - institute submitted its claim for difference of the amount, that too in view of the Government policy itself. The Collector, Ahmednagar called for the report from the Tahsildar. The report of the Tahsildar dated 10th February, 2014 clearly shows that the Tahsildar admitted that it was a mistake in the assessment and verification of the cattle and further admitted that the petitioner - institute is entitled for the difference of amount. The Tahsildar made a request to the Collector to pass appropriate orders. The Deputy Secretary of State of Maharashtra, by communication dated 25th April, 2016 also reiterates this fact and informed the Collector to do the needful.

11. Now, these authorities, namely, respondent Nos.2 and 3 are coming before this Court and submitted that the claim of the petitioner is belated by six months and as the petitioner - institute accepted the amount, it is not

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entitled to claim any damages. Firstly, the cattle camp was settled in the year 2012. In response to the Government policy, the petitioner - institute made a request in the year 2014. The request was pending for long two years. On 25th April, 2016, the Deputy Secretary informed the Collector. The petitioner - institute again submitted representation on 3rd October, 2016. As there was no further progress in the matter, the petition was filed on 24th February, 2017. The reply is filed by respondent Nos.2 and 3 on 4th October, 2017 and the authorities have the audacity to say that the petitioner's claim is belated and as if this is not enough, the respondents authorities now want the petitioner to again run from pillar to post. This approach of the authorities, least to say, is not at all appreciable.

12. At the cost of repetition we state that the only ground for opposition raised in the affidavit-in-reply is, the delay of six months by the petitioner in submitting its claim. There is nothing to show that the petitioner's claim is unjustified or petitioner played some mischief. On the contrary, the report of the Tahsildar clearly shows that it was the mistake of the office of Tahsildar and the institute was entitled for the difference of amount in view of fact situation, which is already referred to in the report along with necessary documents.

13. Considering the aforesaid facts, we are of the clear opinion that the Counsel for the petitioner has made out a case. As such, the petition is

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partly allowed. Respondent No.2 - Collector, Ahmednagar to disburse the amount to the tune of Rs.2,60,700/- to the petitioner, as expeditiously as possible and not later than six weeks from the order of this Court.

14. We further make it clear that though the petitioner, in prayer clause (B) prayed for interest over the amount, we are not granting the interest to the petitioner. We only direct the authorities, namely, the Collector, Ahmednagar to pay the amount of difference to the tune of Rs.2,60,700/- to the petitioner.

The petition is disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

(PRASANNA B. VARALE, J.)

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