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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION STAMP NO.26996 OF 2018

Dilip Baban Kate

..Petitioner

Versus

The Union of India and others

..Respondents

Mr. Shekhar Jagtap I/by Sairuchita R. Chowdhary, Advocate for the
Petitioner.

Mr. Anil C. Singh, ASG with Mr. A. K. Roy and Ms. Geetika Gandhi,
Advocates for Respondents – Union of India.

**CORAM: B. R. GAVAI &
M. S. KARNIK, JJ.**

DATE: 31st OCTOBER, 2018

P.C.:-

1] The Petitioner has approached this Court, praying for quashing and setting aside the policy of Respondent No.1 for closing of military farm vis-a-vis disposal of Frieswal breed cattle maintained in the military farm vide policy dated 01/05/2018.

2] Heard Mr. Jagtap, learned Counsel appearing on behalf of the Petitioner and Mr. Singh, learned Additional Solicitor General for the Respondents - Union of India.

3] The basic grievance of the Petitioner appears to be that the policy has been framed only in order to benefit the private individuals inasmuch as, though Government of Goa is willing to purchase cattle @ Rs 40,000/- per cattle, the cattle are being sold @ Rs 1,000/-. Further grievance of the Petitioner appears to be that the land which was available for the said farm would be distributed as public larges, thereby causing huge losses to the public exchequer.

4] The scope of power of this Court in policy matters is limited. Unless, the policy is found to be patently arbitrary or manifestly illegal, it would not be permissible for this Court to interfere with the same.

5] An affidavit in reply has been filed by Lieutenant Colonel in-charge of Military Farm Pimpri on behalf of the Respondents. In the affidavit in reply, it has been stated that in view of development of fast net work of Dairy Co-operatives throughout the country, it was not found necessary to maintain the military farm for the purpose of

in-house milk production. In the affidavit in reply, it has been stated that, the Union of India, prior to taking final decision, has taken into consideration the CAG Audit Report 2006, Army Training Command Report 2011, Defence Expenditure Review Committee Report 2009 and Naresh Chandra Task Force on National Security Report 2012 in which closure of military farm is recommended. The said recommendations were placed before the Cabinet Committee on Security and various factors were considered. Not only this, the recommendations of Defence Ministry has also undergone scrutiny by Cabinet Committee on Security and after in-depth analysis, it was found that it was not in the interest of defence to continue with the cattle farm.

6] Insofar as sale of cattle at nominal cost of Rs 1,000/- is concerned, it is stated in the Report that the said cattle were offered to various State Governments and various State Government had offered different costs ranging from Rs 1000/- to Rs 40,000/-. However, taking into consideration the fact that the cattle will be sold to State Governments and not to private individuals, it was decided to

fix a nominal price of Rs 1000/- per cattle. Since the sale is being made from one Organ of the State to another Organ of the State, it cannot be said that there is any illegality or perversity in the decision taken by the Respondents to sell the cattle at concessional rate to State Governments.

7] No perversity is noticed in the orders passed by the Respondents to warrant interference. Hence, the PIL is rejected.

(M. S. KARNIK, J.)

(B. R. GAVAI, J.)