

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1345 of 2019

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Bhola Singh, Aged about 42 years, Gender Male, S/o Late Nand Kishore Singh, Resident of Village- Sadanandpur, P.O. and P.S. Baliya, District- Begusarai, sole proprietor of M/s Simaran Vermi Compost.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Agriculture Department, Government of Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Director of Agriculture, Agriculture Department, Government of Bihar, Patna.
4. The District Agriculture Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nikhil Kumar Agrawal, Adv. Aditi Hansaria, Adv. Deepika Sharma, Adv.
For the Respondent/s	:	Mr.Navnit Kumar, AC to SC 17.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-01-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner in the present case is seeking a writ of mandamus directing the respondent authorities to make payment of the remaining amount of Rupees Five Lacs which is claimed as an admitted amount on account of the petitioner having satisfied the terms and conditions for disbursement of grants as contained in Annexure '1' to the writ application.

Learned counsel submits that vide Letter No. 312(Compost) dated 14.05.2012 issued by the Directorate of Agriculture, Government of Bihar, the petitioner was given



permission/sanction for disbursement of Rs.25 Lacs as grants on his satisfying the conditions mentioned from Paragraph 1 to 11. The case of the petitioner is that in terms of Paragraph No. 9 and 10 he was entitled to get disbursement of Rs.12.5 Lacs on achievement of 50% of the production level i.e., 1500 Metric Ton and again Rs.12.5 Lacs on achievement of the production level of 3000 Metric Ton.

Learned counsel submits that such payment were required to be made on the recommendation of the Inspecting Team. It is pointed out that the petitioner achieved the maximum production level of 3000 Metric Ton (M.T) and then 3000 M.T thereby he became eligible to get both the installments of the grant but on both occasions he was paid Rupees Ten Lacs each. It is submitted that instead of Rupees Twenty Five Lacs, the petitioner was paid only Rupees Twenty Lacs.

In this connection, learned counsel submits that there are materials on record showing that the Inspecting Team had earlier recommended the case of the petitioner for release of installments of grants and there was no reason for the Disbursing Authority to give a lesser amount.

At this stage, it is submitted that when the petitioner



moved this Court in CWJC No. 5881 of 2018, the learned writ Court directed the petitioner to approach the Director of Agriculture, Agriculture Department, Government of Bihar with a fresh representation for redressal of his grievance. Now in terms of the order passed by the learned writ Court when the petitioner made his representation, the Director, Agriculture Department constituted an Inspecting Team to visit the premises of the petitioner and submit a report. The Inspecting Team visited the premises of the petitioner and took a view that in the premises where 30 Pucca 'Vermi' Units were said to be operating, at present there is a poultry farm and a new business had commenced. The Inspecting Team was given to understand that a fire had broken out in the premises of the Vermi-Compost Unit which had damaged the entire unit. The Inspecting Team, however, found that in this regard, even though it was required under the Fertilizer Control Order that an information should have been given to the Licensing Authority but no such information was made available by the petitioner.

Under the circumstances, the District Agriculture Officer, Begusarai has taken a view that it would not be just and proper to release the balance amount of Rupees Five Lacs in favour of the petitioner. On receipt of this report, the Director,



Agriculture has vide his Letter No. 3922 dated 09.07.2018 as contained in Annexure '11' to the writ application endorsed a copy of the report to the petitioner and called upon him to submit his stand on the report. The petitioner has submitted his stand vide Annexure '12' to the writ application. A reminder has also been sent vide Annexure '13' and '13/A' to the writ application but till date no decision has been taken thereon. Learned counsel for the petitioner submits that the petitioner is entitled to get the balance amount of Rupees Five Lacs.

On the other hand, learned counsel for the State submits that even though a final view is yet to be taken by the Director, Agriculture, at present the report of the District Agriculture Officer is suggesting that the petitioner has violated the terms and conditions of the sanction letter. A final view in this regard is required to be taken by the Director, Agriculture.

In the given facts and circumstances of the case, the Director, Agriculture Department, Government of Bihar (respondent no. 3) is hereby directed to take a final decision after examining the scheme and entitlement of the petitioner with all relevant materials to satisfy himself and an appropriate decision as regards payability to the petitioner be taken within a period of 90 days from the date of receipt/production of a copy



of this order. In case, the petitioner is found entitled to get the balance amount in terms of the scheme, he would be entitled to get interest thereon at the rate of 6% per annum from the date the amount became due for payment to the petitioner till the date of payment.

The writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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