

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

129 WRIT PETITION NO.10874 OF 2018

RAJKUMAR DNYANOBA WAGHMARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Hon Ashwin V.
AGP for Respondents No. 1 to 4 : Mr. K.B. Jadhavar.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 13/08/2019

PER COURT :

1. Mr. Hon, learned counsel for the petitioner submits that the petitioners are restricting their challenge to Clause 'B' of the Government Resolution dated 19.06.2018. The original policy of the Government was to purchase Toor and Harbhara, at a fixed price, so as to assist the farmers. The agriculturists who have registered themselves on NeML Portal are entitled to sale their Toor and Harbhara to the Government. The Government is bound to purchase the same. It was further clarified by the Government that if the Toor and Harbhara could not be purchased, as the purchase was closed on 15.05.2018 for Toor and on 29.05.2018 for Harbhara, then the Government would pay grant at Rs. 1000/- per quintal. In the policy decision no restriction was placed that it will apply only to the extent of 2-Hectares. The

Government under the Government Resolution dated 19.06.2018 more particularly clause 'B' of the G.R. has restricted the benefit only to 2-Hectares for each agriculturist. The same is arbitrary and not in consonance with the original policy of the State Government.

2. The learned A.G.P submits that though the agriculturists have registered on NeML showing their total area and crop of more than 2-Hectares, but as per the Government policy and considering the amount of the aid sanctioned by the Government the limit of 2-Hectares / 20 quintals is prescribed by the Government. The Toor and Harbhara was taken from 2,93,873 agriculturists and amount to the tune of Rs. 383.24 Crores has been paid.

3 The policy decision is the prerogative of the executive. In matters involving fiscal implications and ramifications, the Court would be too loath to exercise its power of judicial review.

4. The Government is the best judge to implement the policies for the benefit of agriculturists, considering the budgetary provision and the availability of the finance. The basic approach of the government appears to be to assist the small agriculturists wherein the spectrum of beneficiaries would be large. With this view it appears that, the Government aid is prescribed to the extent of 2-Hectares of

the land of the agriculturist. The government has considered the average yield of 10 quintals per Hectare and thereby extended the benefits for 2 Hectares and/or 20 quintals of Toor and Harbhara. We do not find that the policy decision to be arbitrary or irrational. The same appears to be reasonable and taking care of large spectrum of agriculturists.

5. In the light of above, we do not find any case for interference. Writ petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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