

Date of decision: 01.04.2019

RAJENDER AND OTHERS

...PETITIONERS

VS.

STATE OF HARYANA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harkesh Manuja, Advocate,
for the petitioners.

Mr. Manish Dadwal, AAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On perusal of the reply to the writ petition, which has been filed, especially para-5 of the preliminary submissions, which reads as follows:-

“5. That the rice shoot, area of which, is found involved in unauthorized irrigation during the previous year is not required to be sanctioned for the next Kharif crop. In the present case, the area of one of the shareholders of the rice shoot was found involved in unauthorized irrigation in year 2016 and therefore, the rice shoot in dispute was not sanctioned for the crop Kharif 2017. However, the petitioners are at liberty for getting new rice shoot sanctioned for the same area and RD in the forthcoming crop Kharif 2018 and the demand of the petitioners shall be considered on merit, if the petitioners fulfil the terms and conditions of the rice shoot policy.”

it is apparent that the petitioners, because of the unauthorized irrigation in the year 2016 by one of the co-sharers, were held dis-entitled for the sanction of Rice Shoot for the crop Kharif, 2017.

Counsel for the State, on instructions from Sh. Som Nath, SDO, Rojhla, Safidon, submits that the disqualification is only for one subsequent year and the area, which is being found to be using unauthorized irrigation, is also included in the subsequent year for irrigation under the Rice Shoot Policy, meaning thereby that the whole area of the co-sharers of the petitioners would be entitled to claim Rice Shoot with effect from the year 2018 Kharif crop.

Counsel for the State, on instructions, further makes a statement that the next Rice Shoot Policy is likely to be issued in the month of May-June, 2019 and in case, the petitioners apply under the said Policy and are found fulfilling the terms and conditions of the Rice Shoot Policy, 2019, their claim will be considered on merits and if found eligible, would be sanctioned Rice Shoot at RD No. 15860/L.

In view of the above, in case the petitioners apply for the Rice Shoot as per the Policy to be issued by the respondent-Department in the year 2019/the prevalent Policy within the time stipulated therein and are found to be eligible, shall be sanctioned the Rice Shoot at RD No. 15860/L provided they fulfil all the terms and conditions of the said Policy.

It is clarified for all intents and purposes that the earlier disqualification i.e. unauthorized irrigation in the year 2016 shall not be taken as a disqualification for the consideration of the claim of the petitioners as per the Rice Shoot Policy, 2019/Prevalent Policy.

The writ petition stands disposed of with above observations and directions.

April 01, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No