

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13702 of 2021

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Rakesh Kumar Singh, son of Late Ganesh Prasad Singh, resident of Village-Gop pur, Post Office-Girdharpur, Police Station-Sikraul, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Agriculture Department, Bihar, Patna.
2. The Director, Directorate of Agriculture, Government of Bihar, Patna.
3. The District Agriculture Officer, Buxar, Bihar.
4. The Zonal Manager, Indian Bank (former Allahabad Bank), Zonal Office, Buddh Marg, Patna, Bihar.
5. The Branch Manager, Indian Bank (former Allahabad Bank), Rajpur Branch, Buxar, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parijat Saurav, Adv.
For the Respondent/s : Mr.Dhurjati Kumar Prasad (Gp14)
For Respondents No. 4 & 5: Mr. Shambhu Nath, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

5 13-07-2022 Admittedly, the petitioner got a harvester out of the loan amount disbursed to him by the Bank. Agriculture Department, Directorate, Government of Bihar, Patna accepted this transaction and has also issued the formal permit, however, it has been found that there was a gap of one day. During the course of hearing, the learned counsel appearing for the State has raised an issue that proper procedure was not followed, which finds place in paragraph no. 7 of the counter affidavit



filed by the Agriculture Department, which reads as under :-

“7.This portion of guidelines is of much importance. The petitioner has to receive the sanction letter first and then the sanction letter must be submitted by the farmer in the concerned Bank and thereafter the loan is to be sanctioned (disbursed) by the bank. Here the case is opposite to the direction. The loan was disbursed by the bank on 06.02.2018 i.e. on the date before the issuance of the sanction letter by the Agriculture Directorate, Bihar, Patna (The date of issuance of the sanction letter being 07.02.2018) on the date of disbursement, of the loan, the bank concern was not aware of the fact whether the petitioner is to be given sanction or not. There is violation of the instruction/ guideline of the department which is of vital importance to check the release of subsidy on the agriculture machines purchased without sanction by the competent authority. The action of the petitioner as well as that of the bank (if the bank sanctioned the loan amount on the basis of the assurance given by the petitioner that he is to be sanctioned the purchase of a combined Harvester is violative of the instruction of the Department of Agriculture. It is why the petitioner has been refused the release of subsidy.”

However, we find that the objections raised are



hyper technical in nature. The petitioner did not misuse the loan amount and got the harvester and admittedly he carries on an agriculture activity. His limited prayer is to now release the amount of subsidy totaling to a sum of Rs. 4 lacs. We further find that the prayer of the petitioner is quite genuine, especially in view of the fact that the Agriculture Directorate, Bihar, Patna has approved the application of the petitioner for grant of subsidy and has also issued the letter of sanction/ formal permit in favour of the petitioner, thus we allow the prayer made by the petitioner. The amount of agriculture subsidy of Rs. 4 lacs is directed to be released to the petitioner forthwith by the Respondent No. 3.

The writ petition stands allowed on the aforesaid terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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