

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.34505 of 2021
(Through hybrid mode)**

Sudarsan Biswal and others

....

Petitioners

Mr. B. P. Samal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Ms. S. Pattanayak, AGA

CORAM: JUSTICE ARINDAM SINHA

**ORDER
11.10.2022**

Order No.

05.

1. Mr. Samal, learned advocate appears on behalf of petitioners and submits, there can be no opposition to his clients' prayer for compensation, being the affected farmers. He submits, Collector, Kendrapara had directed the Tahasildar of adjoining panchayat to disburse the compensation.

2. He draws attention to disclosures at pages 18 to 21 in the writ petition. They are letter dated 22nd February, 2021 on submission of crop cutting experiment report of winter paddy for year, 2020-21, written by Tahasildar, Kendrapara. The report was enclosed with the letter. There is another letter dated 5th April, 2021 of the Tahasildar, for necessary recommendation to the Collector, on sanction of crop

loss input subsidy in favour of the affected farmers. Lastly, order sheet bearing order dated 5th April, 2021 of the Tahasildar giving particulars regarding the subsidy.

3. He then draws attention to the counter filed by State. He demonstrates from the averments that the Tahasildar was told by higher authority that the report was not duly made. He submits, obviously the Tahasildar took back the report and filed another, withdrawing the suggestion and recommendation for sanction for agriculture input subsidy on crop loss. He seeks interference.

4. Ms. Pattnayak, learned advocate, Additional Government Advocate appears on behalf of State. On query from Court she submits, the original report was not submitted as per provision of Odisha Relief Code. There was omission to cause participation of Economic and Statistical Survey Department, in making the report. On further query from Court she submits, petitioners had no obligation, under the Code to arrange for participation of the department in the survey for making of the report.

5. Paragraphs 17 and 20 to 22 of the counter are reproduced below.

“17. That, the Tahasildar, Kendrapara submitted the crop-cutting experiment report of winter paddy for the year 2020-21 vide Letter No.-1219 dated 22.02.2021 to the

Deputy Collect, Emergency, Collectorate, Kendrapara. With copy to the Sub-Collector, Kendrapara for information. Copy of the Letter No.-1219 dated 22.02.21 is annexed as Annexure-C/4.

18.

19.

20. *That, in reply to paragraph-07 to 10 of the writ application, it is humbly submitted that the Tahasildar as per Annexure-E/4 passed order dated 05.01.22 indicating therein that the crop cutting report and assessment of crop loss is to be assessed by the Economic and Statistical Survey Department and the report has not been prepared in their presence the submission of proposal for sanction of agriculture input subsidy towards crop loss bears no merit. Further crop loss verification cannot be proceeded with as no standing crops for verification in compliance of the objection raised by the Sub-Collector is available. Accordingly the Tahasildar, Kendrapara **has withdrawn the suggestion and recommendation for sanction of agriculture input subsidy for crop loss.***

21. *That, the Tahasildar, Kendrapara after order dated 05.01.22 has resubmitted the case record to the Sub-Collector for favour and appropriate order.*

22. *That the Sub-Collector, Kendrapara, vide order dated 07.01.22 has declined to accept the proposal of the Tahasildar, Kendrapara for sanction of agricultural input subsidy in favour of the claimants. ”*

(Emphasis supplied)

6. Court finds substance in submission made on behalf of petitioners that report of the Tahasildar submitted under cover of letter

dated 22nd February, 2021 appears to have been reviewed and the recommendation withdrawn, at instance of the Sub-Collector. Petitioners did not have any role to play in making of the report. The relief Code was to be implemented by the administration. Internal working of the administration, to review original report and withdraw the recommendation, cannot be a ground to deny relief to petitioners.

7. State through concerned functionary will disburse crop loss input subsidy for winter paddy 2020-21 as per order dated 5th April, 2021 made by the Tahasildar, Kendrapara, copy of which is at page 21. The disbursement is to be made within four weeks of communication. As a consequence, subsequent order dated 5th January, 2022 of the Tahasildar and orders made thereafter in relation thereto are set aside and quashed.

8. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant