



W.P.(MD)No.11888 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.10.2023

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.11888 of 2021

V.Amarnath

.. Petitioner

Versus

- 1.The Secretary,
Backward Class, Most Backward Class and
Minorities Welfare Department,
O/o Chief Secretariat Office,
Fort St. George, Chennai.
- 2.The Managing Director,
Tamil Nadu Backward Economic Development Corporation,
Chennai.
- 3.The District Backward and Minority Welfare Officer,
Backward and Minority Welfare Office,
Theni, Theni District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the second respondent in his proceedings in Nei.Mu.Ka.No.B3/3237/2010, dated 28.09.2018, quash the same as illegal and consequently, direct the second respondent to sanction the subsidy for irrigation available under G.O.(Ms)No.111, dated 31.12.2007, to the petitioner within a time frame as stipulated by this Court.



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For Petitioner : Mr.S.Sarvagan Prabhu
For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent in Nei.Mu.Ka.No.B3/3237/2010, dated 28.09.2018, and for a consequential direction to the second respondent to sanction the subsidy for irrigation as per G.O.(Ms)No.111, Backward Class, Most Backward Class and Minorities Welfare Department, dated 31.12.2007, to the petitioner, within the time frame fixed by this Court.

2. The case of the petitioner is that he is an agriculturist and he applied for sanction of loan for establishing irrigation facilities in his agricultural field in line with G.O.(Ms)No.111, Backward Class, Most Backward Class and Minorities Welfare Department, dated 31.12.2007. The application was made before the third respondent and the third respondent after verifying the same, recommended for the sanction of the loan under the scheme. The loan to the tune of Rs.1,00,000/- was also sanctioned in favour of the petitioner for setting up a bore well for irrigation.



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3. The petitioner along with the sanction had approached the then incumbent in the third respondent Office and it is alleged that the concerned person had demanded for illegal gratification. The petitioner gave a complaint in this regard to the Vigilance and Anti Corruption Wing, Theni. An F.I.R. was registered and investigation was conducted and a final report was also filed, which was taken on file by the learned Chief Judicial Magistrate, Theni, in Spl.C.C.No.6 of 2014. It is contended by the petitioner that the concerned official had refused to act upon the sanction only on the ground that he was demanding for illegal gratification.

4. Since the subsidy order was not passed in favour of the petitioner, the petitioner had to repay back the entire amount that was sanctioned with interest. The petitioner therefore approached this Court and filed W.P. (MD)No.10083 of 2014, seeking for subsidy and the Writ Petition was disposed of by order dated 04.01.2018, directing the authorities to consider the representation made by the petitioner. Pursuant to this order, the second respondent issued the impugned proceedings, dated 28.09.2018, refusing to grant subsidy to the petitioner mainly on the ground that the petitioner did not fulfil the criteria of small and marginal farmer and did not get the necessary certificate in this regard. Aggrieved by the same, the present Writ Petition has been filed before this Court.



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5. Heard Mr.S.Sarvagan Prabhu, learned counsel appearing on behalf of the petitioner and Ms.D.Farjana Ghoushia, learned Special Government Pleader appearing on behalf of the respondents.

6. This Court has carefully considered the submissions made by the learned counsel on either side and considered the materials available on record.

7. The short ground that arises for consideration is as to whether the petitioner is entitled for being considered for the subsidy. As per the relevant Government Order, a person is entitled to be considered for subsidy only if he/she submits the relevant documents. For proper appreciation, the relevant documents that are required to be submitted by a person, seeking for subsidy, are extracted hereunder:-"

- "1. சாதிச் சான்று.
2. சிறு குறு விவசாயி சான்று
3. பட்டா/சிட்டா அடங்கல் நகல்
4. கடன் வழங்கிய வங்கியின் பெயர், கடன் தொகை, கடன் வழங்கப்பட்ட நாள்
5. மாவட்ட ஆட்சியரின் தலைமையிலான கூட்ட குழுவின் தீர்மான நகல்
6. ஆழ்துளை கிணறு அமைந்துள்ள இடத்தின் புகைப்படம்"



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8. The claim made by the petitioner was rejected only on the ground that the petitioner did not have the certificate to show that he is a small and marginal farmer. The learned counsel appearing on behalf of the petitioner brought to the notice of this Court the subsequent representation that was made by the petitioner on 14.12.2020, wherein the petitioner had enclosed the certificate granted to him by the Village Administrative Officer to show that he is a small and marginal farmer. A copy of the certificate was also produced before this Court. In view of the same, it is not known as to why the second respondent came to a conclusion that no certificate was issued to the petitioner stating that he is a small and marginal farmer. There is no dispute that such a certificate is only issued by the Village Administrative Officer and in the case of the petitioner, the certificate has been issued by the Village Administrative Officer, Bodinayakanur. Any how, the petitioner continues to struggle with his claim for subsidy till date.

9. In the light of the above discussion, the impugned proceedings of the second respondent in Nei.Mu.Ka.No.B3/3237/2010, dated 28.09.2018, is hereby set aside. The matter is remanded back to the file of the second respondent. The second respondent is directed to consider the representation made by the petitioner on 14.12.2020 along with all the documents that have been submitted by the petitioner.



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10. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

11. A decision shall be taken by the second respondent with regard to the entitlement of the subsidy for the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

12. In the result, this Writ Petition is allowed with the above direction.

No costs.

NCC : Yes/No
Index : Yes/No
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16.10.2023

To

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N.ANAND VENKATESH, J.

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