



WP (MD) No.24003 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.24003 of 2016

Lakshmi Prabha

... Petitioner

Vs

- 1.The District Collector,
Virudhunagar District.
Virudhunagar.
- 2.The Branch Manager,
Pandiyan Grama Bank,
Mallankinaru Branch,
Mallankinaru,
Virudhunagar District.
- 3.The Regional Joint Director,
Animal Husbandry Department,
Virudhunagar District.
- 4.The Assistant General Manager,
National Bank for Agriculture and Rural Development,
48, Mahatma Gandhi Road,
Post Box No.6074,



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Nungambakkam,
Chennai – 600 034.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to initiate steps to sanction the 25% of subsidy from the fourth respondent as per the proceedings of the first respondent in Na.Ka.No. 1414/2014, dated 18.03.2015 to the credit of Loan Account No. 691500001 in the second respondent Bank.

For petitioner : Mr.V.Perumal
For R1 & R3 : Mr.K.Jeyaseelan
Government Advocate
For R2 : Mr.N.Dilip Kumar

ORDER

The petitioners, with a grievance that National Bank for Agriculture and Rural Development/the fourth respondent herein has not provided subsidy as per the Scheme has filed this writ petition in the year 2016 for a Mandamus, directing the respondents to sanction subsidy to the petitioner's loan account.



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2. The learned counsel appearing for the petitioner submits that the petitioner has applied for subsidy under the Scheme introduced by the Animal Husbandry Department to promote poultry farming. As per the Scheme, 25% of the subsidy amount is to be borne by the State Government and 25% has to be sanctioned by the National Bank for Agriculture and Rural Development (NABARD). The petitioner has started a Poultry Farm in the year 2014. The Regional Joint Director, Animal Husbandry Department, Virudhunagar has released the State Government's share of 25% subsidy. However, 25% subsidy from the fourth respondent was not released. Therefore, the petitioner has approached this Court in the year 2016. The learned counsel further submits that in order to avoid penalty, the petitioner has paid the entire loan amount and closed the loan account.



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3.The learned counsel has relied upon the proceedings of the Regional Joint Director, Animal Husbandry Department, Virudhunagar, dated 08.03.2015 and submits that this petitioner was identified as one of the beneficiaries under the scheme and as per the proceedings, the petitioner is entitled to receive 25% subsidy from the State Government and 25% from the National Bank for Agriculture and Rural Development/the fourth respondent herein, for the loan availed by him for the purpose of development of Poultry Farm in the year 2014-2015. The grievance of the petitioner is that 25% of the subsidy, which is liable to be paid by the fourth respondent has not been provided to the petitioner.

4.The learned counsel for the second respondent Bank by referring to the counter affidavit submits that the petitioner is entitled for the subsidy from the fourth respondent. The relevant paragraph from the counter affidavit is extracted as under:



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“7. The second respondent on their part submitted the subsidy claims to their Administrative Office and the same was returned. Again, in order to help the petitioner, the subsidy claim was directly made to the fourth respondent also and the same was also not considered favourably by them with an advice to resubmit such claim after extension of the Scheme for the year 2015-2016. This respondent promptly and sincerely acted keeping in mind the interest of the petitioner and submitted the subsidy claim to NABARD on release of the 1st installment of the loan. The system followed for claim of subsidy from the third respondent and the fourth respondent is different. While the third respondent set in motion its machinery, stage by stage, as soon as the "in principle" provisional letter was conveyed to them by this respondent whereas the claim for subsidy to NABARD had to be sent necessarily only after release of the loan to the beneficiary and hence this respondent is not responsible for non-sanction of the subsidy by NABARD in any way. Since the claim of the subsidy from



NABARD pertained to the scheme year 2014-2015 and the loan was sanctioned by the respondent Bank well within the completion of the scheme year, the application of this respondent for subsidy submitted to NABARD is just and correct and the petitioner deserves for the subsidy as conveyed by the third respondent originally.”

5. Even after notice sent to the fourth respondent and the name of the fourth respondent was printed in the cause list, there is no representation for the fourth respondent.

6. Admittedly, the petitioner was identified as one of the beneficiaries under the Scheme introduced by the Animal Husbandry Department to promote poultry farming. As per the proceedings of the Regional Joint Director, Animal Husbandry Department, Virudhunagar, dated 08.03.2015, the petitioner is entitled to receive 25% subsidy from the State Government and 25% from the National Bank for Agriculture and Rural Development. The petitioner has received 25% subsidy from



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the State Government. However, the fourth respondent has not sanctioned 25% subsidy, which is liable to be paid by them. However, in order to avoid penalty, the petitioner has settled the entire loan amount.

7. In view of the above, this writ petition is allowed with a direction to National Bank for Agriculture and Rural Development, Chennai/the fourth respondent to provide 25% of the subsidy, which is eligible for the petitioner as per the scheme within a period of eight weeks from the date of receipt of a copy of this order. No costs.

13.12.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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To
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B.PUGALENDHI, J.

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