



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2456 OF 2024

Kailas Daga Patil & others .. Petitioners

versus

The State of Maharashtra & others .. Respondents

Mr. Sachin Deshmukh, Advocate holding for Mr. Y. M. Patil,
Advocate for the Petitioners.
Mr. S. K. Tambe, AGP for the State.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 4th MARCH, 2024.

ORDER : (Per R. M. Joshi, J.)

1. The Petitioners take exception to the notice dated 13th February, 2024 issued to them by District Superintendent and Agricultural Officer, Jalgaon, in respect of recovery of the grant provided for the purpose of construction of Green House and Net Shed house.

2. The Petitioners claim themselves to be small and marginal land holders and that under the Late Nanaji Deshmukh Krushi Sanjivani Project, which is recognised as a Project on Climate

Resilient Agriculture (POCRA), the financial assistance was provided to them to raise Green House and Shed Net. It is the case of the Petitioners that the notices are issued to them in order to recover the grant provided under the said project with allegations that the Green House/Shed Net is sold/disposed off by them. It is the case of the Petitioners that due to natural calamity i.e. stormy rains, damage has been caused to the Green House and Shed Net and in respect of the same, panchanamas were drawn by the concerned revenue authorities. It is claimed that the action has been initiated against the Petitioners in response to the question raised in the Winter Session by the MLC. It is alleged that the action has been initiated without adequate notice and depriving a fair and reasonable opportunity to the Petitioners. On these, amongst others grounds, the impugned communication/order is sought to be set aside.

3. From the case of Petitioners itself, there is no dispute about the fact that they were allotted grants for the purpose of erection of Green House and Shed Net, and the utilisation of the grant was restricted only for this purpose. In this backdrop, in the communication under challenge it is alleged that as per the guidelines of seeking benefits of the said project, the agriculturists

were prohibited from disposal of the said Green House and Shed Net by sale or otherwise. An undertaking was also obtained from them for recovery of the amount of grant with interest if the grant is misused. It is claimed in the said notice that the existence of Green House and Net Shed erected under the project was assessed and since Green House and Net Shed were not found at the place, notice came to be issued. The said notice further intimates that if the amount of grant sought to be recovered is not deposited then the case would be referred to the District Coordination Committee and thereafter appropriate administrative action shall be taken.

4. The learned Advocate for the Petitioner submits that the concerned authority has passed impugned order without complying principles of natural justice. It has failed to take into consideration the panchanamas drawn in respect of the damage caused to the Green House and Shed Net in March 2021 on account of unseasonal rain storm. It is his further contention that the action of concerned authority is pre-meditated and hence, no purpose would be served by calling upon the Petitioners to appear before the said authority.

5. Perusal of the impugned notices show that the same are issued after the spot inspection and since it was found that the Green House and Net Shed were not available at the spot, the notices for recovery of grant were issued in accordance with the undertaking submitted by the Petitioners while accepting the benefits of the project. Though the notice speaks about deposit of amount however, it further mentions about referring the said case to the District Coordination Committee and thereafter appropriate action would be taken as per the order of the District Collector. Thus, it is open for the Petitioners to satisfy the said authority either about existence of Green House/Net Shed or about the causing of damage to it in the alleged unseasonal rains in March 2021. As far as the contention about pre-meditated approach on the part of the concerned authority is concerned, we find no substance in the said submission as the amount mentioned in the communication is not to be separately determined but it is an amount towards the grants.

6. In above circumstances, we do not find any reason or justification to cause interference in the impugned communication. It is however, open for the Petitioners to approach the concerned authority and satisfy it about the case sought to be made out with

regard to the damage being caused to the Green House and Shed Net in the year 2021. If any such representation is made, the concerned authority to decide the same within 60 days from receipt of reply/representation. In case of passing of any adverse order against the petitioner, such order shall not be implemented for the period of one month to enable the Petitioners to adopt appropriate remedy as provided by law.

7. The **Writ Petition stands disposed off** in above terms.

(**R. M. JOSHI**)
JUDGE

(**RAVINDRA V. GHUGE**)
JUDGE

dyb