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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10203 of 2021

and WMP.No.10828 of of 2021

Somnath Punnoli Irupattil

... Petitioner

Vs.

1. The Secretary to government,
Government of India,
Ministry of Agriculture and Farmers Welfare,
Department of Agriculture,
Cooperation and Farmers Welfare,
Krishi Bhawan, New Delhi.

2. National Horticulture Board,
Rep. By its Managing Director,
Ministry of Agriculture and Farmers Welfare,
Government of India,
85, Institutional Area, Sector-18,
Gurgaon – 122 015, Haryana.

3. The Project Approval Committee (PPAC)
National Horticulture Board,
85, Institutional Area, Sector – 18,
Gurgaon – 122 015, Haryana.

4. The Branch Manager,
State Bank of India,
Ranipet Branch,
No.Railway Station Road,
Ranipet.

... Respondents



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Prayer: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified mandamus calling for the records of the second respondent herein vide proceedings in NHB/33ATN0006553/2268 dated 20.07.2019 and vide proceeding in NHB/IPA/33ATN0006548/2019-20/6984 dated 05.03.2020 and quash the same and consequently, direct the respondents 1 to 3 herein to grant subsidy to the petitioner for the protected cultivation Horticulture project in project ID NHB/IPA/33ATN0006553 under the Development of Commercial Horticulture through protection and post Harvest Management of Horticulture Crops scheme.

For Petitioner : Mr.G.R.M.Palaniappan

For Respondent : Dr.D.Simon, CGSC RR1 to 3
Mr.B.Sivakollappan R4

ORDER

This petition has been filed seeking to quash the order passed by the second respondent herein vide proceedings in NHB/33ATN0006553/2268 dated 20.07.2019 and vide proceeding in NHB/IPA/33ATN0006548/2019-20/6984 dated 05.03.2020 and consequently, direct the respondents 1 to 3 herein to grant subsidy to the petitioner for the protected cultivation Horticulture project in project ID NHB/IPA/33ATN0006553 under the Development of Commercial Horticulture through protection and post Harvest Management of Horticulture Crops scheme.



2. The learned counsel for the petitioner submitted that the petitioner has taken agricultural lands on lease from on Christadima Theesman through lease deed dated 14.07.2017 registered as Doc.No.1035 of 2017 measuring an extent of 3.50 acres situated at Keerampadi Village, Arcot Taluk, Vellore District. The petitioner applied for the horticulture loan for shade not cultivation to the 4th respondent, as required by the second respondent and the same was sanctioned on 20.09.2017 and the sanction letter dated 27.09.2017 was issued to me for sanction of a term loan of Rs.56 lakhs for the project. In fact, for about two years the second respondent raised various quarries in respect of the project and the petitioner has answered all the queries. However, the second respondent vide its order dated 05.03.2020, has rejected the petitioner's request as the proposal made by the petitioner is ineligible. Challenging the said order, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that this Court, without going into the merits of the case, may permit the petitioner to make a fresh application before the respondent. Upon receipt of which, this Court may direct the second respondent to consider and pass orders on the petitioner's application within the reasonable time as fixed by this Court.



4. The learned counsel for the 4th respondent submitted that if the scheme is in existence, the application made by the petitioner will be considered and pass orders on merits within the stipulated time as fixed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Writ Petition is dismissed with a direction to the petitioner to make a fresh application to the respondents within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of which, the second respondent shall consider and pass orders on the petitioners application if the scheme is in existence as expeditiously as possible. However, liberty is granted to the petitioner to work out their remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

12.09.2024

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To

1. The Secretary to government,

<https://www.mhc.tn.gov.in/judis>



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Ministry of Agriculture and Farmers Welfare,
Department of Agriculture,
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2. National Horticulture Board,
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M.DHANDAPANI,J.

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