



W.A(MD)No.1857 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A(MD)No.1857 of 2024

and

CMP(MD)No.14048 of 2024

The Assistant General Manager,
National Bank For Agriculture
& Rural Development,
48, Mahatma Gandhi Road,
Post Box No.6074,
Nungambakkam,
Chennai – 600 034.

... Appellant

vs.

1. Mrs.Lakshmi Prabha
2. The District Collector
Virudhunagar District,
Virudhunagar.

3. The Branch Manager,
Pandiyan Grama Bank,
Mallakinaru Branch,
Mallankinaru,
Virudhunagar District.

4. The Regional Joint Director,
Animal Husbandry Department,
Virudhunagar District.

... Respondents



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Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 13.12.2023 made in W.P(MD)No.24003 of 2016.

For Appellant : Ms.K.Vidya
For R1 : Mr.A.Srinivasan
For R2 : Mr.SRA.Ramachandran
Additional Government Pleader
For R3 : Mr.N.Dilip Kumar
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by **M.S.RAMESH, J.**)

This appeal has been filed by the National Bank For Agriculture & Rural Development [hereinafter referred to as 'NABARD'], which is the Nodal Agency for the Government of India in releasing 25% of the subsidy for various schemes, including the application made by the 1st respondent herein / writ petitioner, for establishing a Poultry Farm.

2. Before the Writ Court, the 1st respondent herein, had sought for a direction to the respondents to initiate steps to sanction 25% of the subsidy from the NABARD in W.P(MD)No.24003 of 2016 and by an order dated 13.12.2023, a learned Single Judge of this Court had allowed the writ petition with positive directions. The NABARD, which was not represented before the



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learned Single Judge and had remained *ex parte*, has challenged the order of the learned Single Judge.

3. The only ground raised by the learned counsel appearing for the appellant would be that the 1st respondent herein, would not be entitled for the subsidy as per the directions of the Central Government dated 03.03.2015, which aspect could not be brought to the notice of the learned Single Judge.

4. We are not in agreement with the said submission for two reasons. Firstly, when the appellant was a party respondent in the writ proceedings, it was their duty to bring it to the notice of the learned Single Judge about the alleged Central Government instructions and having failed to do so by remaining *ex parte*, it is not now open to them to challenge the said order by way of an appeal and raise this ground. Secondly, the reasoning adopted by the appellant also may not be correct, since the instructions of the Government of India to NABARD, was only to stop accepting fresh applications with immediate effect, that is, with effect from 03.03.2015, for the purpose of liquidation of all the erstwhile schemes and pending applications. In other words, there was no bar for the NABARD to disburse the subsidy on the pending applications. In the instant case, the 1st respondent's application was



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sanctioned with subsidy on 10.02.2015 itself and the disbursement of subsidy was pending. As per the instructions of the Central Government dated 03.03.2015, there was no ban for such disbursement, but rather, only fresh applications were stalled. Thus, even on merits, there are no grounds to interfere with the order of the learned Single Judge.

5. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
11.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The District Collector
Virudhunagar District,
Virudhunagar.

2. The Regional Joint Director,
Animal Husbandry Department,
Virudhunagar District.



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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JUDGMENT MADE IN
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