

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY SECOND DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 28463 OF 2016

Between:

1. Smt. A. Bharatha, W/o. Raghavender Rao Aged about 55 years
 2. Smt. G. Sumalatha, W/o. Sampath Rao, Aged about 35 years
 3. A. Raghavender Rao, S/o. Hanumantha Rao Aged about 63 years
 4. A. Kishan Rao, S/o. Raghavender Rao, Aged about 40 years
- All are R/o. Chamanpalli Village Dharmaram Mandal Kareem Nagar District

...PETITIONERS

AND

1. State of Telangana Represented by its Principal Secretary, Agriculture Department, Secretariat Saifabad, Hyderabad
2. Commissioner of Horticulture State of Telangana, Public Gardens, Hyderabad
3. District Collector, Kareemnagar District At: Kareemnagar
4. Deputy Director of Horticulture, Karimnagar District, At Kareemnagar

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue an appropriate writ, order, or direction more particularly, one in the nature of Writ of Mandamus, declaring the action of Respondent No. 3 in negating the proposals for release of the input subsidy to the petitioners herein for the damage caused during the months of April and May, 2015 to their mango crops in Chamanpalli and Kothur Villages of Dharmaram Mandal, Kareem Nagar District, as bad and illegal, and against the spirit of the disaster management policy and the guidelines under the said scheme.

I.A. NO: 1 OF 2016(WPMP. NO: 35240 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondent NO.3 to release the input subsidy to the petitioners herein for the damage caused during the months of April and May, 2015 to their mango crops situated at Chamanpalli and Kothur villages of Dharmaram Mandal, Kareemnagar District as recommended by the respondents No.2 and 4 forthwith pending disposal of the above Writ Petition in the interest of justice.

Counsel for the Petitioners: SRI M. A. K. MUKHEED

Counsel for the Respondents: GP FOR AGRICULTURE

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION NO.28463 OF 2016

ORDER

In this Writ Petition, the petitioners are seeking to declare the action of respondent No.3 in negating the proposals for release of the input subsidy to the petitioners herein for the damage caused to their mango crops during the months of April and May, 2015, as bad and illegal and to pass such other order or orders.

2. Learned counsel for the petitioners submits that the petitioners are agriculturists and have grown mango crop in their fields and in the months of April and May, 2015, there was a storm and heavy rain, due to which the mango crop got damaged. It is submitted that though the names of the petitioners were found earlier when the respondents have verified the status of the crops, when the list of beneficiaries was published, their names were found to be missing. Therefore, the petitioners requested the authorities to reconsider their case and grant input subsidy to them as was granted to other beneficiaries.

3. In view thereof, a note was put up before the 3rd respondent for approval of the beneficiaries' list and to include the names of the petitioners therein. The 3rd respondent, however, rejected the same *vide* letter dt.28.07.2016 by observing that the petitioners did not raise objections when the list of beneficiaries' names was published in Grama Sabha and their names were missing. Challenging the same, the present Writ Petition has been filed.

4. The learned counsel for the petitioners submitted that only when the beneficiaries' list was published, the petitioners came to know that their names were not included in the list of beneficiaries and therefore, they had made representation on 22.03.2016 and thereafter, the Village Revenue Officer and Tahsildar visited the village and verified the same and then recommended to include the names of the petitioners in the list of beneficiaries. It is submitted that the 3rd respondent has not considered the case of the petitioners properly and has rejected the names of the petitioners without any application of mind. He therefore prayed for a direction to the 3rd respondent to approve the input subsidy to the petitioners as well.

5. The respondents have filed counter affidavit and the learned Government Pleader has relied upon the averments in the counter affidavit and pointed out that enumeration of the mango crop damage was taken up in the presence of farmers and Village Revenue Officer and final enumeration lists were displayed at the Gram Panchayats of the respective villages before forwarding the same to the District Management for approval of the District Collector, Karimnagar, but the petitioners have not raised any objection nor have they approached the authorities within time and that the petitioners have approached only in the month of August, 2015 by which time the input subsidy amount was already released from the Government and the distribution was under progress. It is submitted that there is no lapse on the part of the respondents and that as the petitioners did not raise any objection during the time of display of the list, their names cannot be included in the list of beneficiaries subsequently.

6. Having regard to the rival contentions and the material on record, this Court finds that the petitioners claim to be farmers and agriculturists who are raising mango crop, but as stated in the counter affidavit, they did not raise any objection at the time of display of the list in the Gram Panchayat and have not approached the authorities within time for

verification of their claim. As stated in the counter affidavit, the petitioners approached the authorities after a period of seven (7) months and that too when the amounts were being distributed. In view of the same, this Court, at this point of time, cannot direct the respondents to re-verify whether the petitioners have really incurred loss on account of damage to their mango crop.

7. In view of the same, the Writ Petition is dismissed. No order as to costs.

8. Pending miscellaneous petitions, if any, in this Writ Petition shall also stand dismissed.

SD/- P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

- To,
1. One CC to Sri M. A. K. Mukheed, Advocate [OPUC]
 2. Two CCs to GP for Agriculture, High Court for the State of Telangana, at Hyderabad [OUT]
 3. Two CD Copies

T.J.
GJP



HIGH COURT

DATED:22/10/2024

ORDER

WP.No.28463 of 2016



DISMISSING THE WRIT PETITION
WITHOUT COSTS

⑥
04/12/24
bvs