

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10582 of 2018

Narendra Kumar Yadav S/o Late Dhani Yadav R/o Village- Bichchawa, Police Station- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Agricultural Department, Patna (Bihar)
2. The District Agricultural Officer, Jamui
3. The Agricultural Director, Bihar, Patna
4. The Deputy Director, Agricultural Controral, Land Protection, Banka
5. The Joint Director, Munger Division, Munger

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Ashok Kumar Pathak, AC to GP 21

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 04-07-2025

1. The petitioner has filed the instant application for the following reliefs:

“(i). To quash letter No. 2246 dated 17.04.2018 by which the grant was refused to the petitioner of Rs. 4 Lakh.

(ii). To direct the respondent to give grant of Rs. 4 Lakh to the petitioner for making Godown which has already been built by the petitioner.

(iii) To stay the letter No.



2246 dated 17.04.2018 till the disposal of this case.

(iv) To issue appropriate writ/writs, direction/directions as Your Lordships may deem fit and proper. ”

2. Briefly stated, the facts of the case as narrated in the Writ petition are that the petitioner submitted an application for permission to construct a 200 MT godown at Bichhawa, Block, Sikandra, District Jamui. After verification, permission was granted vide sanction order No. 1164 dated 24.11.2016 issued by the District Agriculture Officer, Jamui. Along with the sanction letter, the petitioner was supplied a copy of the Model Estimate, which detailed the specifications for constructing the godown. The godown was to be constructed strictly as per the model estimate. It is also mentioned in the sanction letter that the petitioner would be entitled to receive a subsidy amount of Rs. 4 Lakhs upon completion of the 200 MT capacity godown.

3. The petitioner claims to have constructed the godown in accordance with the



sanctioned specifications, with a capacity of 200 MT and a height of 13 feet (3.96 meters). To substantiate this, the petitioner has produced Letter No. 197 dated 22.02.2018 (Annexure-6), wherein the Joint Director (Agro), Munger Commissioner, Munger, addressed the Additional Secretary to the Agriculture Minister, Bihar, Patna, regarding the verification of the godown built by the petitioner. The letter confirms that the godown's capacity of 200 MT is correct as per the sanction letter No. 1164 dated 24.11.2016 of the District Agriculture Officer, Jamui.

4. It is further submitted on behalf of the petitioner that Letter No. 982 dated 06.09.2017 of District Agricultural Officer, Jamui, confirms physical verification of the godown by the Deputy Director. It was found that the godown was constructed exactly as per the fixed dimensions and that the work was completed. The Measurement Book of the Assistant Engineer, Sikandra, Jamui, shows that the cost of the work



amounted to Rs. 14,20,795/-. It was further confirmed that the construction of the godown was complete and that the quality of work was up to the required standards.

5. It is also submitted by the Learned counsel for the petitioner that additionally, the petitioner has produced Letter No. 109 dated 23.03.2018 (Annexure-2), wherein the Deputy Director (Agriculture Engineering), Land Conservation, Banka, communicated to the Deputy Director, Quality Control cum Incharge Officer, RKVY, Bihar, Patna, that a physical verification was carried out on 13.03.2018. This verification, reaffirmed the height of the godown as 13 feet (3.96 meters) with the capacity of 200 MT.

6. The Learned counsel for the petitioner submitted that despite the completion of the work of godown and verification by the relevant authorities, the petitioner's claim for payment of Rs. 14,20,705/- has not been honored. The petitioner has submitted an



application to the Agriculture Minister, Bihar, Patna, requesting for the release of payment, but the request has not been acted upon.

7. Learned counsel for the petitioner submits that the construction of the godown was completed as per the sanctioned specifications, but the petitioner has not received the grant amount or any payment towards the construction cost. The petitioner has approached the authorities numerous times seeking payment, but all requests were ignored.

8. Respondent Nos. 2 to 5 have filed a detailed counter affidavit, which disclose that after the construction of the godown, the Deputy Director (Agricultural Engineering), Soil Conservation, Banka, inspected the godown and found discrepancies in the dimensions of the godown constructed by the petitioner. It was observed that the dimensions of the godown were less than those prescribed under the sanctioned estimate. Further, the roof was constructed using RCC, whereas the model



estimate specifies that the roof to be constructed with 6 mm thick corrugated cement asbestos sheets, as reflected in the inspection report (Annexure-4 to the writ petition).

9. It is submitted by the Learned counsel for the respondents that in light of these discrepancies, the District Agriculture Officer (D.A.O.), Jamui, sought guidelines regarding the payment of the subsidy from the Incharge Officer, RKVY, Patna, vide letter no. 1466 dated 06.11.2017 (Annexure-5 to the writ petition). Meanwhile, the petitioner submitted a representation to the Principal Secretary, Agriculture Department, requesting him the release of the subsidy amount. In this representation, the petitioner himself admitted about certain minor discrepancies in the construction of the godown.

10. It is further submitted by the Learned counsel for the respondents that consequently, the opinion of the Joint Director (Agricultural Engineering), Soil Conservation, was



sought. Following his advice, the Deputy Director (Agricultural Engineering), Soil Conservation, was directed to re-measure the height of the godown vide letter no. RKVY-304/2011-1437 dated 07.03.2018. Accordingly, the Deputy Director (Agricultural Engineering), Soil Conservation, Banka, submitted a report dated 23.03.2018, stating that the height of the godown was 13 feet (3.96 meters) and its capacity was about 200 MT. However, upon examination of this report, it was found that the actual capacity of the godown was about 17% less than the prescribed capacity of 200 MT. The following deviations from the prescribed model estimate were identified in the godown constructed by the petitioner:

(i) The capacity of the godown was found to be 17% less than the prescribed capacity of 200 MT.

(ii) The roof was constructed with RCC, which violated the model estimate provisions requiring the use of 6 mm thick corrugated cement asbestos sheets for the roof,



including purloins, rafters, and trusses.

11. It is submitted by the Learned counsel for the respondents that in view of these discrepancies, the claim of the petitioner was rejected vide letter no. 304/2011-2246 dated 17.04.2018 (Annexure-1 of the writ petition), on the ground that the godown was not constructed in accordance with the prescribed parameters laid down in the model estimate. Therefore, there is no illegality in this rejection, hence, prayed to dismiss the writ petition as devoid of merits.

12. Heard the Learned counsel for the petitioner and the Learned counsel for the respondents.

13. From the facts and circumstances narrated in the counter affidavit filed by the respondents, it is clear that the opinion of the Joint Director (Agricultural Engineering), Soil Conservation, was sought. Further, the Deputy Director (Agricultural Engineering), Soil Conservation, Banka, submitted a report dated 23.03.2018, stating that the height of the



godown was 13 feet (3.96 meters) and its capacity was approximately 200 MT.

14. Admittedly there were deviations from the prescribed model estimate in the godown, constructed by the petitioner: (i) The capacity of the godown was found to be 17% less than the prescribed capacity of 200 MT, (ii) The roof was constructed with RCC, which violated the model estimate provisions requiring the use of 6 mm thick corrugated cement asbestos sheets for the roof, including purloins, rafters, and trusses.

15. In view of the above facts and circumstances, the writ petition is dismissed as devoid of merits.

16. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2025
Transmission Date	

