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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.133 OF 2019

Dashrath s/o Garbad Patil & ors. ..PETITIONERS

VERSUS

The State of Maharashtra & ors. ..RESPONDENTS

Mr V. D. Salunke, Advocate for petitioners;
Mr S. P. Sonpawale, A.G.P. for respondents/State

**CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.**

DATE : 21st November, 2019

ORAL ORDER:

Heard Mr Salunke, learned Counsel appearing on behalf of the petitioners.

2. An issue raised in the present public interest litigation is three folds. Firstly, it is submitted that the Central Government has formed a policy to provide financial assistance to the farmers, who are the sufferers of the natural calamities for the period 2015-2020. The Nandurbar district, of which the petitioners are residents faced unforeseen natural calamities of hailstorms, cloud burst and untimely heavy rains. It is the submission of Mr Salunke, learned Counsel for the petitioners that initially by drawing panchnama, the local authority arrived at a conclusion that the affected number of farmers in

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Nandurabar district are 613, whereas in a close scrutiny of the panchnama it revealed that the number of affected farmers are not 613 but 645. By inviting our attention to the document placed at Exh. "H" i.e. a rectified order dated 11th January, 2019, the Collector, Nandurbar refers to the number of farmers affected by the natural calamities and also the amount to be distributed to these farmers as financial assistance and as per the table in the said order, the number of affected farmers are 645 and the amount to be distributed to these farmers is Rs.1,30,83,750/-. The submission of learned Counsel for the petitioners is, instead of providing the financial assistance to all these affected farmers, the assistance reached only to 392 farmers. Thus, the submission is, rest of the farmers are yet waiting for the financial assistance.

3. The second grievance of the petitioners is in respect of non application of mind by the authorities in providing the financial assistance to the farmers. The submission is, though the policy clearly states that the financial assistance would be provided against the holding of 2 Hectors as a sufference for natural calamities even though the land holding of the farmers may be more than 2 Hectors, there is no equitable distribution by the local authorities and on the contrary, when the issue was submitted to the authority, the district authority flatly denied to provide the financial assistance even for holding of 2

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Hectors to such farmers, who are the affected by the natural calamities. Our attention was invited to a copy of representation placed on record in support of submission. Perusal of the representation show that the same was submitted to the then Chief Minister of Maharashtra on 20th June, 2018. It is stated that the copies of this representation are submitted to the Hon'ble Minister of Revenue, Hon'ble Minister of Agriculture and the District Collector, Nandurbar. Then it is handwritten in the concluding portion of the said representation that the representation was personally handed over to the Collector on 11th June, 2018. Learned Counsel for the petitioners submitted that though the Collector was apprised by a separate representation to avoid multiplicity of the documents, a copy of the representation submitted to the Collector is not placed on record.

4. Considering the issue, which certainly needs attention of this Court, being an issue of public importance and more particularly, an issue of grant of financial assistance to the farmers, who are the sufferers of the natural calamities, we are issuing notice to the respondents, making the same returnable on 19th December, 2019.

5. Learned Asstt. Govt. Pleader waives service of notice for respondents.

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6. Respondent No.3 – District Collector, Nandurbar to file a detailed affidavit disclosing the initiation of the work of providing assistance undertaken by the local authority, representations received by him, steps taken by the local officers on receipt of the representations and if steps are not taken within reasonable period, the reasons for the delay. The affidavit-in-reply of respondent No.3 – Collector, Nandurbar be not filed by the officer below the rank of Assistant Collector.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

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