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C.A.No. 3622 OF 2003
ITEM No.103

Court No.10

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.3622 OF 2003

Gorakshnath Banudas Korke & Anr.Appellant (s)

vs.

State of Maharashtra & Ors.

Respondent (s)

With C.A.No.3623/2003, C.A. No.380/2003, C.A.No.381/2003 (With prayer for interim relief)
C.A.3624/2003, C.A.No.382/2003 (With prayer for interim relief)
C.A.No.3625/2003, C.A.3626/2003, C.A. No.3627/2003 (With office report)
C.A.No.3628/2003

Date:13/07/2004 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE S.H. KAPADIA

For Appellant (s)

Mr. Venkateswara Rao Anumolu,Adv.

Mr. Sanjay V. Kharde,Adv.

Ms. Chandan Ramamurthi,Adv.

For Respondent (s)

Mr. V.N. Raghupathy,Adv.

Mr. Manish Pitale,Adv.

Mr. S.S.Shinde,Adv.

Mr. Mukesh K. Giri,Adv.

Mr. S.V. Deshpande,Adv.

Mr. Arun Pedneker,Adv.

Mr. Aniruddha P. Mayee,Adv.

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UPON hearing counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed order.

(Sarojbala)(Kanwal Singh))

PA to Addl.Registrar

Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3622 OF 2003

Gorakshnath Banudas Korke & Anr.
?Appellants

Versus

State of Maharashtra & Ors.
?Respondents

With

C.A.Nos. 3623, 380, 381, 382, 3624, 3625, 3626, 3627 and 3628 of 2003

O R D E R

In the agricultural year 1988-89 there was huge production of onion throughout Maharashtra but there was no corresponding demand in the market resulting in the fall of price of onion sharply. In the month of March 1989 it came down as low as Rs. 5/- per quintal. Plight of onion growers was further aggravated by strike of dock workers because of which even export of onion in near future was not possible at the relevant time.

To sub-serve the common good of onion growers and not to allow agricultural economic system to result to common detriment, State Government of Maharashtra introduced "Onion Market Intervention Scheme, 1989" (for short "the Scheme") with a view to purchase the produce from the onion growers at the remunerative price which was fixed at Rs. 100/- per quintal. As per procedure under Clause A (vi) of the Scheme, the agriculturist was required to make a statement about his status as agriculturist or onion grower and further under Clause 5 of the form was required to state the area of operation of his field used for growing onion. These clauses were introduced in order to ascertain or confirm the onion produced by the agriculturist for actual sale with the onion produced by him from the field.

It was discovered that false claims were put in by certain persons. After purchasing onion from the market it was given to the Society claiming it to be the onion produced by the onion producers from their fields. In order to ensure that benefit should go to the genuine producers only an enquiry was conducted to verify the genuineness of the claims made by the growers. The claim of the appellants were rejected because either they had not grown the onion in their fields or they had claimed to supply to onion much in excess of the norms of the production fixed in the Scheme, i.e., 250 quintals per hectare. Aggrieved against the rejection of their claims the appellants filed writ petitioners in the High Court seeking a direction to the authorities to settle their claims.

The High Court after examining the facts of each case came to the conclusion that the appellants had either not grown the onions in their fields or did not have the sufficient land or the means to irrigate the land. From this it was concluded that the appellants were not entitled to take the benefit of the scheme announced by the State Government. Enquiry Report was accepted. The amount withdrawn by the appellants was directed to be refunded by them.

We have gone through the order of the High Court and the material placed before us carefully. We do not find any infirmity in the findings of facts arrived at by the High Court. The same do not call for any interference.

For the reasons stated above, we do not find any merit in these appeals and dismiss the same with no order as to costs.

?????????????.J.
(Ashok Bhan)

?????????????.J.
(S.H. Kapadia)
New Delhi;
July 13, 2004,

