

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 18587 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
- 2 To be referred to the Reporter or not ?
- 3 Whether their Lordships wish to see the fair copy of the judgment ?
- 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
- 5 Whether it is to be circulated to the civil judge ?

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SOMAJI MANGLAJI NINAMA - Petitioner(s)
Versus
THE STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

MR BALUSINGH S NARVE for Petitioner(s) : 1,
 MR KRUNAL PANDYA, AGP for Respondent(s) : 1 - 4.
 NOTICE SERVED BY DS for Respondent(s) : 3 - 4.

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 31/08/2007

ORAL JUDGMENT

Rule. Mr. Krunal Pandya, Ld. AGP waives service of rule on behalf of respondents. At the request of the learned advocates for the parties, the matter is taken up for final hearing.

2. The petitioner's grievance is that despite the Government having introduced 'Integrated Tribal Development Scheme' [hereinafter referred to as 'the scheme'] where-under the Adivasi farmers have been extended certain financial benefits for the items mentioned therein, the petitioner has not received the benefit or the financial assistance for the creation of bore-well as also for installing submersible pump. It is the say of the petitioner that he is a farmer and during the year of scarcity, he had dug a well on 5/6/2000 and installed the submersible pump in 10/8/2000 for the purpose of irrigation and thereafter, he had made application for obtaining the financial relief under the said scheme, but he has not received it till this date.

3. I have heard Mr. Narve, learned advocate for the petitioner and Mr. Pandya, Ld. AGP for respondents. I have also perused the record of the petition. Copy of the scheme has been annexed to the petition. It clearly shows that for bore-well as well as for installation of submersible pump, the concerned person is entitled to receive financial aid in accordance with the criteria laid down and the amounts specified therein. The say of the petitioner is that he has done both, namely he has created the bore-well as well as he has installed the submersible pump to draw the water for irrigation. The record shows that necessary application has been made by the petitioner to the concerned authority. It also shows that thereafter, the petitioner has furnished the necessary details to the authority to enable him to take appropriate decision. It further appears that despite the fact that petitioner has written time and again

the reminders to take the decision, till this date nothing has been done by the authority. On the contrary, on application being submitted to the concerned authority under the Right to Information Act, the petitioner has been informed that the said authority has not received any application from the Taluka Development Officer i.e., respondent no. 4. The record speaks otherwise. The petitioner has even annexed the documents which adequately show that the application has been made to respondent no. 4 and necessary incidental action has also been taken by him to comply with the requirement, but till this date the concerned authorities have not taken any decision on the same. Mr. Pandya for the respondents is not in a position to say why no action has been taken and the request of the petitioner is not responded to.

4. Having perused the averments made in the petition and also the record and in particular the scheme, it clearly appears that the petitioner is entitled to receive the said benefit. Hence, respondent no. 3 is directed to comply with the provisions of the scheme and give the financial aid to the petitioner in accordance with the provisions of the scheme relating to item no. 1 i.e., bore-well and item no. 4 i.e., submersible pump set. The aid to be given as early as possible and in any case not later than 30th November, 2007.

With the aforesaid direction, the petition is allowed. Rule made absolute.

[Akshay H Mehta, J.]

* Pansala.