
(2023) 04 KL CK 0045
In the High Court Of Kerala
Case No : Writ Petition (C) No. 6316 Of 2023

Jacob Chacko

APPELLANT

Vs

State Of Kerala `

RESPONDENT

Date of Decision : 05-04-2023

Acts Referred:

Citation : (2023) 04 KL CK 0045

Hon'ble Judges : Shaji P.Chaly, J

Bench : Single Bench

Advocate : A.V.Jojo, A.X.Varghese, Reshmi.K.M, T.P.Pradeep

Final Decision : Disposed Of

Judgement

Shaji P.Chaly, J

1. According to the petitioner, petitioner is engaged in the business of Poultry Farm with requisite license from the respective statutory authorities. The case of the petitioner is that, he has suffered huge loss due to the flood occurred in October 2021 and petitioner is highly aggrieved by the inordinate delay in providing compensation to the loss sustained by the petitioner. It is also pointed out that in order to ventilate the grievances, petitioner has submitted Ext.P2 claim petition before the District Animal Husbandry Officer, District Animal Husbandry Office, Pathanamthitta – the 4th respondent through the Veterinary Surgeon, Veterinary Dispensary, Pathanamthitta – the 5th respondent. According to the petitioner no action is initiated, which persuaded the petitioner to file this writ petition.

2. A detailed counter affidavit is filed by the 4th respondent. Among other contentions it is stated as follows:

"4. As per NDRF & SDRF norms, a maximum of Rs.50,000/- can be granted to a livestock farmer as relief fund. As per the G.O.(MS) No. 194/2015/DMD dated 20.05.2015 and order No.AHD/6126/2021-E dated 10.03.2022, a relief fund of

Rs.50 per bird, subject to a ceiling of Rs.5000 per beneficiary household can only be granted for poultry farmers.

5. It is submitted that a total amount of Rs.4,47,350/- was allotted from the Directorate of Animal Husbandry to the district as per Order No.AHD/6126/2021-E dated 10.03.2022. In accordance with the instructions in the orders mentioned above, Rs.5000/- was allotted to the petitioner as compensation (50 per bird subject to a ceiling of assistance of Rs.5000/- per beneficiary house hold) through Veterinary Surgeon, Veterinary Dispensary. Othera. Even though the beneficiary was reluctant to accept the compensation Initially, later he accepted it. Later, as per the letter No.AHD/3905/2022-E1 dated 28.06.2022, the Director of Animal Husbandry instructed the District Animal Husbandry Officer to Intimate the issue to the District Level Bankers Committee and to submit a report regarding the issue. The same was forwarded to 5th respondent to verify the details of loan if any, availed by the petitioner.

6. It is submitted that as per the report of the 5th respondent, no loan was granted to the petitioner for establishing the broiler farm, but other loans including agriculture loans were granted to him. This report was consolidated and submitted to the Director of Animal Husbandry on 29.07.2022 through the letter No.DAHO/PTA/673/2021 E. And also a letter was given to the lead banka manager on 29.07.2022. 27.12.2022, 03.02.2023 seeking consideration to the petitioner for granting concession in loan repayment.

7. As per the reply from the lead bank manager, only a KCC gold loan was given to Smt. Rajamma Jacob vide loan account No.40737148078 for Rs.2,52,000/- and the loan was opened on 25.01.2022 at 7% interest. Hence there is no provision for granting any concession except the interest sub vention of Gold Loan. Similarly 2 loans were sanctioned as FKCE's to Mr. Jacob Chacko (A/CA No.11345500002890) and Mrs. Rajamma Jacob (A/c No.11345500002882), amounting to 1.05 lakh each for cultivation. The said loans were sanctioned after the occurrence of the flood (October 2021) and also they are not allotted for the poultry farm purposes.

8. Even though as per Order No.AHD/3905/2022-E1 of Director of Animal Husbandry dated 24.02.2023 the 4th respondent was asked to take immediate action for allotting the compensation fund to the petitioner, no fund is currently available for the same in the district. It is submitted that as and when fund is allotted from the Directorate or through Director of Animal Husbandry, measures will be adopted to dispense the sanctioned amount to the petitioner."

3. Considering facts and figures and hearing learned counsel for the petitioner, Sri.Jojo A.V, and learned Senior Government Pleader, Smt.Reshmi K.M, I am of the opinion that the writ petition can be disposed of by directing the 4th respondent to finalise Ext.P2 application.

Therefore, the writ petition is disposed of directing the 4th respondent to finalise Ext.P2 application submitted by the petitioner through the Veterinary Surgeon –

the 5th respondent at the earliest, at any rate, within six weeks from the date of receipt of a copy of this judgment.