IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 10th OF MARCH, 2026

WRIT PETITION No. 3108 of 2026

KRISHI ADAAN VIKRETA SANGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Sanjay Agrawal - Senior Advocate with Shri Aman Gupta, Advocate for the petitioner.
Shri Swapnil Ganguli - Dy. Advocate General for the respondents / State.
Shri Suyash Thakur - Advocate for the Union of India.

ORDER

This petition is directed against the order dated 7.1.2026 passed by the respondent no. 1, whereby the respondents have implemented e-vikas (Distribution and Agricultural Fertilizers Supply Solution System).

2. It is the case of the petitioner that the instant petition is filed by an Association which represents Firms and individuals having licenses to purchase, sell and distribute fertilizers and other agricultural products including pesticides and seeds within the State of M.P. One Mr. Jayesh Ojha (Senior Member) is authorized to file the present petition on behalf of the Association. In exercise of the powers conferred by Section 3 of the Essential Commodities Act 1955, the Fertilizer (Control) Order 1985 was brought into force by the Central Government. On pursual of the same, it is clear that the Central Government has discussed all necessary provisions like Section 3 which provides Fixation of price of the fertilizers and Section 7

deals with the registration of the dealers. The order as implemented by the Central Government nowhere prohibits or restricts or directs any specific mode of selling the fertilizers by the dealers. There are two seasons of agriculture namely *Kharif* and *Rabi*. *Kharif* season starts from 1st April to 30st September and the Rabi season starts from 1st October to 31st March. In both the seasons, the fertilizers play key role in improving crop yield. On 01.10.2025, the Respondent no. 1 initiated a Pilot project in three districts namely Jabalpur, Shajapur and Vidisha, wherein the scheme of e-vikas (Distribution and Agricultural Fertilizers Supply Solution System) was brought into action with an intention to facilitate access of fertilizers to the farmers in the entire State of Madhya Pradesh, which provides for access to e-token, calculation of fertilizers quantities based on a farmer's land holding and information about fertilizers stock with fertilizers dealers etc. The order was implemented from 01.10.2025 itself without any prior information to the farmers, the wholesaler and the retailers.

3. It is argued that in the State of Madhya Pradesh most of the farmers are illiterate and their technical knowledge is very weak. They are being forced to operate the platform mandatorily through this channel. The internet service in remote areas is very weak and therefore, the farmers are facing massive problems to even place order for which earlier they used to go to the retail shops located nearby and purchase the fertilizers. There were several issues being faced by the farmers as they were not acquainted with the technology coupled with the fact that there are very poor internet connectivity in remove area. It is also pointed out that the scheme does not

provide for grant of fertilizers to the farmers who are working on *Sikmi* or ranted farms of others. Even the wholesalers and the retailers who had maintained stock of all types of fertilizers in their go downs are also facing problems. Considering the aforesaid, the Collector, District Vidisha vide communication dated 15.10.2025 issued directions to the S.D.O. to keep the record of all tractions in offline mode also.

4. It is argued that the petitioner association have a stock of Urea, DAP, NPK (nitrogen, phosphorus, and potassium), SSP (Single Super Phosphate), Mono Ammonium Phosphate (MAP), Triple Superphosphate (TSP), Ammonium Sulphate, Potash Derived from Molasses (PDM), Muriate of Potash (MOP), Ammonium Phosphate Sulphate, Urea Ammonium Phosphate(UAP) and many more which has a shelf life of 1 year. However, because of the lapses in the system, they are unable to distribute the fertilisers to the needy farmers. The dealers are even not able to explain their products to the farmers, as a result of which, the farmers are only ordering / selecting UREA and DAP hindering the growth in the farms and crop as well. Being aggrieved by sudden implementation of the pilot project, the Jabalpur Agro Input Dealers Organization vide communication dated 8.12.2025 expressed the problems being faced by the farmers and retailers. The Agriculture Input Dealers Association, Bhopal vide communication dated 22.12.2025 addressed to the Secretary, Farmers Welfare and Agriculture Development Department (respondent no. 01) detailed out the problems arising due to the e-token system implementation in Jabalpur, Vidisha and Shajapur. Despite of the same, without addressing the issues

raised by the Association vide order dated 7.1.2026 has implemented e-token scheme in the entire State of Madhya Pradesh w.e.f. 10.1.2026. Clause 1 of the order dated 07.01.2026 casts a complete prohibition on the purchase and sale of the fertilizers from the open market which is contrary to the relevant provisions of the Act.

5. It is further argued that there is no provision in the Fertilizers (Control) Order, 1985 for casting such prohibition and restriction for sale and purchase of the fertilizers, therefore, the impugned action taken by the authorities is *per se* illegal and is also violative of Article 19 (1) (g) of the Constitution of India. Under Clause 18.9 the Collector has the power to make the provision for implementation of the scheme in Hybrid mode. The same has not been exercised by the Collector. The grievances of the farmers of the Association can be redressed, if the Collector exercises their powers as provided under Clause 18.9 of the order dated 7.1.2026. Therefore, this petition is filed.

6. On notice being issued, a short reply is filed by the respondents. It is contended that vide memorandum dated 27.05.2025, the Government of India, Ministry of Chemical and Fertilizers has issued a letter to the Principal Secretaries of Department of Agriculture of all the States, mentioning that the Central Government is making efforts to ensure the availability of fertilizers to the farmers at subsidized rates and is also monitoring the availability scenario across the country on real time basis. However, assistances of black-marketing, smuggling across border, deviation to non-agriculture usage and hoarding have been brought to the notice of the Central Government. These malpractices severely affects the availability of fertilizer

to the farmers and therefore, the Government is making an active efforts claiming to support the farming community. On 28.05.2025, the Govt. of India, Ministry of Agriculture and Farm Welfare has issued a specific letter to all Chief Secretaries of the various States pointing out that fertilizer is an essential commodity which is regulated by Fertilizer Control Order, 1985, in which, the Government provides huge subsidies on fertilizer for the benefit of farmers and agriculture community. There has been an increase in DAP consumption in many States. The availability of fertilizer at right price for the farmers is essential and, therefore, the State Governments were further directed to keep strict vigilance over this matter and strict actions may be taken against the defaulters. The State Government also reported many instances in various places that due to scarcity of proper fertilizer in time, there is huge lines of farmer / agriculturists but there is short supply of fertilizer in various Centers and the instances of black marketing and utilization of these fertilizers for non-agriculture purposes was also reported. The monitoring is done through online web based fertilizer monitoring system and the said system was found to be insufficient. In the existing system, any person can acquire the subsidized fertilizers by using Aadhar Card. The instances were brought to the notice that the person concerned is not an agriculturist or having no utility for subsidized fertilizer can also take away the subsidized fertilizer. But, by the implementation of the aforesaid method, all such steps would have been stopped. Now, the State government is more vigilant and cautious enough to prevent black marketing, misuse of subsidized fertilizers to non agriculture activity, etc. by implementation of e-vikas (Distribution and Agriculture, Fertilizers Input Solution System). In the said system, all the marketing society / distribution centers or private entities are required to register itself with the portal and only a registered retailer is entitled to sale the fertilizer. The portal in question contains the information of the land, owner of the land and , the fertilizer available with any individual retailer (government or private) etc. A person who wants fertilizer and is an agriculturist then his land is being shown in Agri stack in the portal. On the basis of holding of the land, scientific analysis / data is available with the department for consumption of fertilizer to that particular area. If any farmer does not find his land in Agri stack or he is having trust / *patta* / *bataidar (sikmi*), then there is also a provision to deal with such kind of situation, wherein, after being verified by the concerned SDM, fertilizer can be provided through e-token to them. Bringing implementation of such e-vikas (Distribution and Agriculture, Fertilizers Input Solution System) has brought a transparency in the system. It is in the interest of the farmers at large that such scheme is floated by the Central Government, State Government is only implementing the said scheme. Therefore, being a policy decision taken by the Central Government, which is duly implemented upon the State Government. No relief can be extended to the petitioner. They prayed for dismissal of the writ petition.

7. Heard learned counsel for the parties and perused the record.

8. Challenge is made to implementation of the e-vikas (Distribution and Agriculture, Fertilizers Input Solution System) for distribution of fertilizers to various farmers just to make distribution more transparent and to stop

black-marketing and to stop the black marketing, overpricing, misuse of fertilizers and distribution of fertilizers for non-farmer farming purpose, the said scheme was implemented. The scheme shows that all the agricultural staff who are having their land are required to be registered on the portal. They will be acknowledged through Aadhaar card. The Government has implemented the said Scheme with an object to provide fertilizer to the farmers at large at a subsidized rate. Various complaints were received on earlier occasions regarding black marketing of the fertilizers, because of which, small farmers are not getting the fertilizers. Therefore, the system is evolved by the Central government. It is a policy decision taken by the Central government which is in the interest of the farmers at large. By implementation of such e-vikas system for distribution of fertilizer, all the lacunas in distribution of fertilizers can be checked.

9. One of the grounds raised by the petitioner is that the farmers are less educated. There are internet connectivity issues in remote areas. Therefore, some of the farmers could not apply through online portals. The fact remains that the farmers are getting fertilizers through registered Firms dealing with sale, purchase and distribution of fertilizers. It is the duty of the concerning Firms to get themselves registered on the portal. They themselves will identify the farmers, get themselves registered along with the land on the portal and thereafter, the farmers will be benefited by grant of fertilizers at a subsidized rate. The said system will check the instances of black marketing, utilization of fertilizers for non-agriculture purpose, etc. In view of the letters issued by the Central government regarding implementation of a

scheme for distribution of fertilizer through e-portal i.e. e-vikas (Distribution and Agriculture Fertilisers Supply Solution System), the State Government is only an implementing agency of the orders passed by the Central government. Being a policy decision taken by the Central government in the large interest of the farmers at large, the same cannot be put to challenge in the Writ petition under Article 226 of the Constitution.

10. Even otherwise, interference in the policy matters is limited in a petition under Article 226 of the Constitution of India as has been held by Hon'ble Supreme Court in large numbers of case. The Hon'ble Supreme Court in the case of ***State of Himachal Pradesh vs Himachal Pradesh Nizi Vyavsayik Prishikshan Kendra Sangh***, **(2011) 6 SCC 597** has held as under:-

> *"20. It is seen that the Cabinet considered the proposal of the State Council for Vocational Training and after deliberation, the decision has been taken to continue various courses under SCVT except for the courses at Sl. No. 1 (Art and Craft), Sl. No. 4 (Library Science) and Sl. No. 7 (PTI). Though in the supplementary affidavit, the State has not highlighted the reason for discontinuing the three courses in the State of Himachal Pradesh, the High Court presumed that the State is precluded from taking fresh/revised policy in the matter of imparting technical education. In fact, in the said decision, the State has not barred all the institutions from continuing the courses already notified under SCVT. The Cabinet decided to discontinue only three courses. Inasmuch as the said Cabinet decision dated 18.07.2009 not being the subject- matter or issue of the writ petition, the State was not in a position to highlight all the details before the Court. Accordingly, we are satisfied that the High Court was not justified in interfering with the Cabinet decision dated 18.07.2009 which was not the issue or challenge in the writ petition. We are also unable to accept the conclusion of the High Court that the petitioner's association (respondent herein) is entitled to run all the courses under the principle of `legitimate expectation'.*
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> *21. The High Court has lost sight of the fact that education is a dynamic system and courses/subjects have to keep changing with regard to market demand,*

employability potential, availability of infrastructure, etc. No institute can have a legitimate right or expectation to run a particular course forever and it is the pervasive power and authority vested in the Government to frame policy and guidelines for progressive and legitimate growth of the society and create balances in the arena inclusive of imparting technical education from time to time. Inasmuch as the institutions found fit were allowed to run other courses except the three mentioned above, the doctrine of legitimate expectation was not disregarded by the State. Inasmuch as ultimately it is the responsibility of the State to provide good education, training and employment, it is best suited to frame a policy or either modify/alter a decision depending on the circumstance based on relevant and acceptable materials. ***The Courts do not substitute its views in the decision of the State Government with regard to policy matters. In fact, the Court must refuse to sit as appellate authority or super legislature to weigh the wisdom of legislation or policy decision of the Government unless it runs counter to the mandate of the Constitution.***

22. With regard to the importance of human resources, especially manpower requirement in various professional and technical fields, the Government is free to frame its policy, alter or modify the same as to the needs of the society. In such matters, the Courts cannot interfere lightly as if the Government is unaware of the situation. Apart from these aspects, procedurally also the High Court has committed an error in quashing the Cabinet decision dated 18.07.2009 which was not challenged in the writ petition by raising valid grounds. Further, both parties were not afforded opportunity to put-forth their stand as to the subsequent development, namely, Cabinet decision dated 18.07.2009. For all these reasons, the impugned order of the High Court is to be interfered with. However, we permit the respondent's association or its members to challenge the said decision/order of the Government by way of fresh proceeding, if they so desire."

11. The Hon'ble Supreme Court in the case of ***Brij Mohan Lal v. Union of India*, (2012) 6 SCC 502** has held as under:-

"96. It is a settled principle of law that matters relating to framing and implementation of policy primarily fall in the domain of the Government. It is an established requirement of good governance that the Government should frame policies which are fair and beneficial to the public at large. The Government enjoys freedom in relation to framing of policies. It is for the Government

to adopt any particular policy as it may deem fit and proper and the law gives it liberty and freedom in framing the same. Normally, the courts would decline to exercise the power of judicial review in relation to such matters. But this general rule is not free from exceptions. The courts have repeatedly taken the view that they would not refuse to adjudicate upon policy matters if the policy decisions are arbitrary, capricious or mala fide.

98. We must examine the cases where this Court has stepped in and exercised limited power of judicial review in matters of policy. In Asif Hameed v. State of J&K [1989 Supp (2) SCC 364] this Court noticed that, where a challenge is to the action of the State, the court must act in accordance with law and determine whether the State has acted within the powers and functions assigned to it under the Constitution. If not, it must strike down the action, of course, with due caution. Normally, the courts do not give directions or advise in such matters. This Court held as under: (SCC p. 374, para 19)

"19. When a State action is challenged, the function of the court is to examine the action in accordance with law and to determine whether the legislature or the executive has acted within the powers and functions assigned under the Constitution and if not, the court must strike down the action. While doing so the court must remain within its self-imposed limits. The court sits in judgment on the action of a coordinate branch of the Government. While exercising power of judicial review of administrative action, the court is not an appellate authority. The Constitution does not permit the court to direct or advise the executive in matters of policy or to sermonise qua any matter which under the Constitution lies within the sphere of legislature or executive, provided these authorities do not transgress their constitutional limits or statutory powers."

99. It is also a settled cannon of law that the Government has the authority and power to not only frame its policies, but also to change the same. The power of the Government, regarding how the policy should be shaped or implemented and what should be its scope, is very wide, subject to it not being arbitrary or unreasonable. In other words, the State may formulate or reformulate its policies to attain its obligations of governance or to achieve its objects, but the freedom so granted is subject to basic constitutional limitations and is not so absolute in its terms that it would permit even arbitrary actions.

***100.** Certain tests, whether this Court should or not interfere in the policy decisions of the State, as stated in*

other judgments, can be summed up as:
(I) If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.
(II) The change in policy must be made fairly and should not give the impression that it was so done arbitrarily on any ulterior intention.
(III) The policy can be faulted on grounds of mala fides, unreasonableness, arbitrariness or unfairness, etc.
(IV) If the policy is found to be against any statute or the Constitution or runs counter to the philosophy behind these provisions.
(V) It is dehors the provisions of the Act or legislations.
(VI) If the delegate has acted beyond its power of delegation."

12. Even otherwise it is pointed out by the respondents in the reply that in terms of Clause 18.9 of the impugned order dated 7.1.2026, the Collector has been conferred powers for implementation of the policy in hybrid mode. The same reads as under :-

18.9. हाइब्रिड मोड : कलेक्टर स्थानीय आवश्यकता के अनुसार अथवा योजना क्रियान्वयन में कोई समस्या आने पर पुरानी व्यवस्था के साथ हाइब्रिड मोड पर जाने हेतु स्वयं निर्णय लेने के लिए अधिकृत है.

13. The grievances of the petitioner can be redressed by the Collector. If the petitioner is having any grievances regarding distribution of fertilizer system, he may approach the Collector in terms of Clause 18.9 of the impugned order dated 7.1.2026 for redressal of his grievance.

14. Under these circumstances, no relief can be extended to the petitioner. The petition sans merits and is accordingly **dismissed**. No order as to costs.

(VISHAL MISHRA)
JUDGE

JP