

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 19650 of 2014 (E)

PETITIONER :

**A.J.ANTONY, S/O.JOSEPH,AGED 43 YEARS,
ARAKKAL HOUSE, MARUVAKAD,
NORTH CHELLANAM, CHELLANAM P.O., COCHIN - 682 008.**

**BY ADVS.SRI.K.C.ELDHO
SRI.CHARLES KARL
SRI.JIJO THOMAS
SRI.SURAJ.S
SRI.MALLENATHAN.M.
SRI.ANIL R.NATH
SRI.ANEESH JAMES**

RESPONDENTS:-:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF FISHERIES, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF FISHERIES,
OFFICE OF THE DIRECTOR OF FISHERIES, VIKAS BHAVAN,
THIRUVANANTHAPURAM - 695 033.**
- 3. THE MANAGING DIRECTOR, MATSYAFED, MANACAUD P.O.,
THIRUVANANTHAPURAM - 695 009.**
- 4. THE DISTRICT MANAGER,
MATSYAFED, THOPPUMPADY, ERNAKULAM,
COCHIN - 682 005.**
- 5. MARUVAKAD MATSYATHOZHILALI VIKASANA
KSHEMA SAHAKARNA SANGHAM,
CHELLANAM (N) P.O., COCHIN - 682 008.**

**R1 & R2 BY SR GOVERNMENT PLEADER SRI.M.MUHAMMED SHAFI
R3 & R4 BY ADV. SRI.GEORGE POONTHOTTAM, SC,MATSYAFED**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-04-2015, ALONG WITH WPC.NO. 19651 OF 2014 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. A TRUE COPY OF THE ORDER NO.B/138/IFDP 2012-13/F1/646/2012 DATED 04.06.2013 OF THE 4TH RESPONDENT SANCTIONING THE LOAN TO THE PETITIONER.
- EXHIBIT P2. A TRUE COPY OF THE RECEIPT DATED 09.07.2013.
- EXHIBIT P3. A TRUE COPY OF THE REPRESENTAION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT P4. A TRUE COPY OF THE POSTAL RECEIPT DATED 10.02.2014 EVIDENCING THE SUBMISSION OF EXHIBIT P3.
- EXHIBIT P5. A TRUE COPY OF THE COOPERATIVE SOCIETIES WHO HAVE BEEN SANCTIONED LOAN UNDER THE IFDP 2012-13 FI SCHEME AND THE REPAYMENT PERCENTAGE OF THE SAID SOCIETIES OBTAINED UNDER THE RIGHT TO INFORMATION ACT.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R4(A). TRUE COPY OF THE ORDER NO.M'FED/P1/780/IFDP12-13 F1/2012 DATED 14/11/2012.
- EXHIBIT R4(B). TRUE COPY OF THE RESOLUTION NO.1 OF BENEFICIARY COMMITTEE DATED 09/04/2013
- EXHIBIT R4(C). TRUE COPY OF THE BALANCE STATEMENT IN RESPECT OF THE 5TH RESPONDENT SOCIETY.
- EXHIBIT R4(D). TRUE COPY OF THE CHART SHOWING THE REPAYMENT DETAILS OF THE 5TH RESPONDENT SOCIETY FROM JULY 2012 TO JUNE 2014
- EXHIBIT R4(E). TRUE COPY OF THE PROCEEDINGS NO.ENDT.NO.P1/2090/2013 DATED 11/03/2014 OF THE GENERAL MANAGER AS WELL AS THE DISTRICT MANAGER DATED 12/3/2014.
- EXHIBIT R4(F). TRUE COPY OF THE REPORT DATED 02/04/2014 SUBMITTED BY THE PROJECT OFFICER.

/TRUE COPY/

P.A.TO JUDGE

P.R. RAMACHANDRA MENON, J.

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W.P.(C). Nos.19650, 19651,
19652 & 20071 of 2014

Dated this the 8th day of April, 2015

JUDGMENT

Non sanctioning and disbursement of the loan amount sought for by the petitioners from the concerned respondent, in terms of IFDP scheme, forms the subject matter of challenge in all these writ petitions. The pleadings and proceedings are referred to as given in W.P.(C). No. 19652 of 2014 which is taken as the the lead case, except where it is separately mentioned.

2. The petitioners herein sought for the benefit of loan under the above scheme and after considering the claims Ext.P1 (concerned exhibits in other writ petitions) order was passed by the 4th respondent on 4.06.2013 sanctioning the loan to the petitioners. In conformity with the terms of the scheme, the petitioners, who are the beneficiaries, satisfied 10% of the loan amount as the pre-deposit and were waiting for the disbursement. Despite satisfying the terms as above, the loan amount was not disbursed, when the petitioners submitted Ext.P2 representation (similar representations in other writ petitions), receipt of which stands acknowledged as borne by Ext.P3 postal

receipt (similar exhibits in other writ petitions). Since nothing transpired in the positive, the petitioners are constrained to approach this Court by filing these writ petitions.

3. A counter affidavit has been filed by the respondents 3 and 4, mainly pointing out that the society through which the application was preferred by the petitioners does not satisfy the requirement of 75% repaying capacity. In other words, the repaying capacity of the concerned society is less than 75% and as such, the instances mooted by such societies cannot be considered favourably, according to the concerned respondents. This has been sought to be rebutted by the petitioners by filing a reply, also producing Ext.P4, whereby particulars of some other societies who do not satisfy the condition of 75% repaying capacity have been given, in favour of whom the loan has been sanctioned and disbursed. The petitioners seek for similar treatment; lest they should be discriminated. This forms the crux of the contentions raised by the petitioners.

4. The learned Standing Counsel appearing for the respondents 2 to 4 submits that Ext.P4 is only in respect of one particular financial year and the relevant norm as per the scheme

shall be with reference to the credentials for the years 2007-2013. It is stated that the particulars in respect of all these years will be procured and eligibility of the petitioners will be considered strictly in accordance with the terms of the Scheme. In the course of such exercise, if it is found that the petitioners are also eligible, satisfying the requirement, the due amount will definitely be disbursed to the petitioners, in accordance with the scheme, submits the learned counsel.

In the above circumstance, no further orders are necessary. These writ petitions are disposed of, directing the concerned respondent to finalize the proceedings in accordance with law, and disburse the loan amount to the eligible hands in accordance with the terms of the Scheme at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

Petitioners shall produce a copy of the judgment before the concerned respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**