

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C) .No. 30709 of 2008 (E)

PETITIONER(S) :

AJITHA V.E. ,
AGED 44 YEARS, W/O.A.R.MURALI,
ATTAVELIL, VALAMANGALAM P.O., THURAVOOR,
CHERTHALA.

BY ADVS.SRI.H.B.SHENOY
SRI.B.ASHOK SHENOY
SRI.THOMAS P.MAKIL
SMT.LAKSHMI B.SHENOY
SRI.ABU MATHEW
SRI.SOBHAN GEORGE.

RESPONDENT(S) :

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1. UNION OF INDIA,
REP. BY THE SECRETARY TO GOVERNMENT, MINISTRY OF FINANCE,
DEPARTMENT OF FINANCIAL SERVICES, NEW DELHI - 110 001.
 2. SECRETARY TO GOVERNMENT,
GOVERNMENT OF INDIA,
MINISTRY OF AGRICULTURAL AND CO-OPERATION,
SHASTRI BHAVAN, NEW DELHI-110 001.
 3. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT, FINANCE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
 4. KERALA STATE BACKWARD CLASSES DEVELOPMENT CORPORATION LTD.,
REP. BY ITS MANAGING DIRECTOR, REGD.OFFICE SENTINEL,
IIFLOOR, TC.NO.27/588(7) & (8), PATTOOR, VANCHIYOOR P.O.,
THIRUVANANTHAPURAM -695 035.
 5. DEPUTY TAHSILDAR (RR),
TALUK OFFICE, CHERTHALA-688 524.
 6. VILLAGE OFFICER,
THURAVOOR SOUTH VILLAGE, THURAVOOR P.O., CHERTHALA-688532 .

R1&2 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
BY SRI.P.PARAMESWARAN NAIR, ASST.SOLICITOR
BY SMT.P.DEEPTHI, SC, KS BACKWARD CLASS COR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1:- A TRUE COPY OF THE NOTICE NO.NBC/75/00 DATED 08/07/2002 ISSUED TO PETITIONER BY 4TH RESPONDENT.
- EXT. P2:- A TRUE COPY OF FORM I DEMAND NOTICE NO.B2-41/2004/MISC. DATED 12/03/2004 ISSUED TO PETITIONER BY 5TH RESPONDENT.
- EXT. P3:- A TRUE COPY OF FORM 10 DEMAND NOTICE NO.B2-41/2004/MISC. DATED 11/06/2004 ISSUED TO PETITIONER BY 5TH RESPONDENT.
- EXT. P4:- A TRUE COPY OF OBJECTIONS DATED 30/06/2004 SUBMITTED BY PETITIONER BEFORE 5TH RESPONDENT.
- EXT. P5:- A TRUE COPY OF ACKNOWLEDGEMENT FOR RECEIPT OF MONEY NO.87 (BOOK NO.416) DATED 31/03/2004 ISSUED BY 5TH RESPONDENT.
- EXT. P6:- A TRUE COPY OF RECEIPT NO.488361 (BOOK4884) DATED 27/09/2004 ISSUED BY 6TH RESPONDENT.
- EXT. P7:- A TRUE COPY OF ACKNOWLEDGEMENT FOR RECEIPT OF MONEY NO.49 (BOOK NO.439) DATED 31/08/2005 ISSUED BY 5TH RESPONDENT.
- EXT. P8:- A TRUE COPY OF ACKNOWLEDGEMENT FOR RECEIPT OF MONEY NO.55 (BOOK NO.466) DATED 19/12/2006 ISSUED BY 5TH RESPONDENT.
- EXT. P9:- A TRUE COPY OF RECEIPT NO.2702840 (BOOK NO.27029) DATED 17/03/2007 ISSUED BY 6TH RESPONDENT.
- EXT. P10:- A TRUE COPY OF AGRICULTURAL DEBT WAIVER AND DEBT RELIEF SCHEME 2008 PUBLISHED BY 1ST RESPONDENT.
- EXT. P11:- A TRUE COPY OF REPRESENTATION DATED 01/07/2008 SUBMITTED BY PETITIONER TO 4TH RESPONDENT.
- EXT. P12:- A TRUE COPY OF LETTER NO.NBC/75/2000 DATED 14/08/2008 ISSUED BY 4TH RESPONDENT TO PETITIONER.
- EXT. P13:- A TRUE COPY OF REPRESENTATION DATED 07/07/2008 SUBMITTED BY PETITIONER TO MINISTER OF FINANCE, GOVERNMENT OF INDIA, NEW DELHI.
- EXT. P15:- A TRUE COPY OF REPRESENTATION DATED 07/07/2008 SUBMITTED BY PETITIONER TO MINISTER OF FINANCE, GOVERNMENT OF INDIA, NEW DELHI.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C) No.30709 of 2008 (E)
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Dated this the 12th day of February, 2015

JUDGMENT

The petitioner, who had availed of an agricultural loan to the tune of Rs.45,000/- in the year 2000 from the 4th respondent, is aggrieved by the inaction on the part of the 4th respondent to waive the loan amount pursuant to Ext.P10 scheme, that was introduced by the Central Government.

2. Although, the petitioner had approached the 4th respondent with a prayer for extending the benefit of Ext.P10 scheme to the loan amount availed by the petitioner, the 4th respondent rejected the claim of the petitioner by Ext.P12 order stating that the benefit of Ext.P10 scheme would not be available in the case of the petitioner. In the writ petition, the petitioner seeks a declaration that the petitioner is entitled to the benefit of Ext.P10 scheme.

3. I have heard Sri. H.B.Shenoy, learned counsel for the petitioner as also Sri.N.Nagaresh, ASG appearing on behalf of respondents 1 and 2, Sri.Lonachan P.U, learned Government Pleader for the respondent Nos.3, 5 and 6 and Smt.P.Deepthi, learned standing counsel for 4th respondent.

4. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I find that in Ext.P10 scheme, it is clearly stated that “the scheme will cover direct agricultural loan extended to 'marginal and small farmers' and 'other farmers' by Scheduled Commercial Bank, Regional Rural Banks, Co-operative Credit Institutions (including Urban Co-operative Banks) and Local Area Banks (hereinafter referred to compendiously as “lending institutions”) as indicated in the Guidelines. It is, therefore, clear that the 4th respondent, from whom the petitioner had availed of the agricultural loan, would not come under the category of institutions that are specified in Ext.P10 scheme. In that view of the matter, the petitioner cannot be said to be a person who is entitled for the benefit of Ext.P10 scheme in respect of the loan availed by him from the 4th respondent.

5. The learned counsel for the petitioner would submit that the entire loan amount has since been re-paid by the petitioner and that if the writ petition is allowed he would stand to get a refund of the amounts paid. The said submission of the learned counsel is of no avail in this case inasmuch as, I am

of the view that, the petitioner is not entitled to the benefit of Ext.P10 scheme. Accordingly, the writ petition fails and is hereby dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/13/02/