

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C) .No. 33015 of 2011 (B)

PETITIONER(S) :

1. SHAJU SEBASTIAN,
EDASSERIKATTIL HOUSE, AYARKKUNNAM VILLAGE, KONGADOOR
KOTTAYAM DT.MEMBER NO.4293

2. PRINCE JOSE,
EANTHANAMKUZHIYIL HOUSE, AYARKKUNNAM VILLAGE
KONGADOOR, KOTTAYAM DT., MEMBER 12184

BY ADV. SRI.P.M.SEBASTIAN

RESPONDENT(S) :

1. THE AYARKUNNAM SERVICE CO-OPERATIVE
BANK LTD, REPRESENTED BY ITS SECRETARY, AYARKUNNAM
KOTTAYAM PIN 686 564
2. GRIEVANCE REDRESSAL OFFICER,
AGRICULTURAL DEBT WAIVER & DEBT RELIEF SCHEME
2008, THE AYARKUNNAM SERVICED CO-OPERATIVE BANK
AYARKUNNAM PIN 686 564
3. THE SPECIAL SALES OFFICER,
ETTUMANNOOR, SCB GROUP
OFFICE OF THE ASSISTANT REGISTRAR
CO-OPERATIVE SOCIETY PIN 686 631
4. THE KOTTAYM DISTRICT CO-OPERATIVE BANK
LTD, REPRESENTED BY THE GENERAL MANAGER
KOTTAYAM PIN 686 001
5. THE REGIONAL OFFICER,
NABARD, REGIONAL OFFICE,
TRIVANDRUM PIN 695 001.
6. JOINT REGISTRAR (AUDIT) CO-OPERATIVE SOCIETIES,
KOTTAYAM PIN 686 001.
7. THE KERALA STATE CO-OPERATIVE BANK LTD.
REPRESENTED BY MANAGING DIRECTOR.
PIN 686 001.

WP(C) .No. 33015 of 2011

8.UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF AGRICULTURAL,
NEW DELHI PIN 110 001.

R7 BY ADV. SRI.NAGARAJ NARAYANAN, SC, K.S.CO-OP BANK

R8 BY ADV. SRI.P.PARAMESWARAN NAIR, ASG OF INDIA

R4 BY ADV. SMT.P.K.RADHIKA

R1 BY ADV. SRI.P.C.SASIDHARAN

R7 BY ADV. SRI.K.RAVIKUMAR, SC, KERALA STATE COOPERATIVE
BANK LTD.

R7 BY SRI.GEORGE POONTHOTTAM, SC, KERALA STATE CO.OP
BANK LTD.

R4 BY SRI.SUNIL CYRIAC, SC, DIST.CO-OP, BANK, KTM

BY GOVERNMENT PLEADER SRI. SOJAN JAMES

BY SRI.T.A.SHAJI, SC, KOTTAYAM DIST.COOP.BANK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 33015 of 2011

PETITIONER(S) EXHIBITS

EXT.P1 THE TRUE COPY OF THE SCHEME AGRICULTURAL DEBT WAIVER AND
 DEBT RELIEF SCHEME 2008

EXT.P2 THE TRUE COPY OF THE APPLICATION DATED 20-05-2011
 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P3 THE TRUE COPY OF THE APPLICATION DATED 23-5-2011
 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 2ND
 RESPONDENT.

EXT.P4 THE TRUE COPY OF THE PETITION SUBMITTED BEFORE THE
 1ST RESPONDENT BY THE 1ST PETITIONER DATED 20-05-2011

EXT.P5 THE TRUE COPY OF THE PETITION SUBMITTED BEFORE THE
 1ST RESPONDENT BY THE 2ND PETITIONER DATED 23-05-2011

EXT.P6 THE TRUE COPY OF THE REPORT DATED 30-10-2010 SUBMITTED
 BEFORE THE 6TH RESPONDENT BY THE ASST.REGISTRAR(GENERAL)
 CO-OPERATIVE SOCIETIES KOTTAYAM.

EXT.P7 THE TRUE COPY OF THE JUDGMENT DATED 24.11.2011 PASSED IN
 W.P.(C).NO.11229 OF 2009.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

SKV

C.K.ABDUL REHIM, J.

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W.P.(C). No.33015 OF 2011

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Dated this the 6th day of April, 2015

JUDGMENT

Petitioners are approaching this court aggrieved by non-consideration of their claim for granting reliefs under Agricultural Debt Waiver and Debt Relief Scheme 2008 formulated by the Central Government. According to the petitioners, the debt relating to the borrowings availed by them from the 1st respondent Bank will fall within the category of debts enumerated in Clause 4 of the Scheme and hence they are entitled to debt relief/debt waiver. Grievance is that the 1st respondent Bank had not considered their claim for granting relief under the scheme, despite their eligibility for the benefits. Therefore the petitioners have approached the 2nd respondent, who is the 'Grievance Redressal Officer' of the 1st respondent Bank, in Exts.P2 and P3 representations. This writ petition is filed because those representations are not considered by the 2nd respondent Bank.

2. Under Clause 10.2 of the Scheme every lending institution is bound to appoint one or more 'Grievance Redressal Officer' who shall have the authority to receive representations from aggrieved farmers and to pass appropriate orders. It is specifically mentioned that decisions taken by the 'Grievance Redressal Officer' shall be final. Therefore it is evident that the scheme contemplates an authority for redressal of grievances and the farmers are provided with opportunity to approach such authority raising grievance in relation to the implementation of the scheme. The respondents 1 and 2 have not disputed receipt of Exts.P2 and P3 representations. Therefore it is only just and proper in the interest of justice to direct the 2nd respondent to consider Exts.P2 and P3 in exercise of the powers vested under Clause 10.2 of Ext.P1 Scheme and to take an appropriate decision thereon, within a time limit to be stipulated.

3. Hence this writ petition is disposed of by directing the 2nd respondent to consider Exts.P2 and P3

representations filed by the petitioners and to take an appropriate decision as contemplated under Clause 10.2. of Ext. P1 Scheme, after affording opportunity of personal hearing to the petitioners and to the financial institution concerned. A decision in this regard shall be taken at any rate within a period of one month from the date of receipt of a copy of this judgment.

Sd/-

C.K.ABDUL REHIM, JUDGE.

/TRUE COPY/

P.A. TO JUDGE

SKV