

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17770 OF 2006

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, to declare the action of the respondents in not paying the excess amount of Rs.6,50,000/- to him by treating the Agri based products under the purview of agricultural loans and also in not extending him the One Time Settlement (OTS) scheme, as illegal and arbitrary and consequently, direct the respondents to implement OTS scheme to the petitioner by treating the Agri based products under the purview of agriculture loans for repayment of the excess amount of Rs.6,50,000/- paid by the petitioner.

The case of the petitioner is that his father established a poultry farm by obtaining loan of Rs.5,80,000/- to be repaid in monthly installments from the 2nd respondent bank in the year 1992. He repaid upto an amount of Rs.1,30,000/-. Thereafter, due to financial crisis, he could not repay the balance installments. When the 2nd respondent put the properties for sale vide EP No.28/NFS/97, dated 14.11.2000, the petitioner approached this Court by way of filing CRP No.4452 of 2001 and this Court directed the petitioner to pay Rs.10,00,000/- in four equal monthly installments and for the balance amount to submit a representation to the authorities concerned. In the year 2003, the 2nd respondent has introduced One Time Settlement scheme for recovery of the loans given to the farmers and others. The petitioner along with his father approached the 2nd respondent and requested the authorities to extend them the scheme under OTS. Then, the 2nd respondent officials directed them to pay the principal amount along with interest, and if any excess amount paid, that would be refunded to them. Accordingly, the father of the petitioner paid a total amount of Rs.16,50,000/- by selling the immovable properties stood in the name

of the petitioner. As per the directions of this Court in CRP, they have to pay Rs.10,00,000/- only. Therefore, Rs.6,50,000/- was paid in excess by the father of the petitioner. On 01.04.2004 the father of the petitioner submitted a detailed representation/claim to the 2nd respondent. The 2nd respondent addressed a letter, dated 26.02.2004, to the 1st respondent by submitting the claim statement and requested to consider the case of the petitioner as a special case to extend the benefit of OTS by bringing Agri based products under the purview of agriculture loans. The father of the petitioner was expired on 17.04.2005. Till date, no orders are passed by the 1st respondent. The petitioner has no other alternative source of income. Therefore, he filed the present writ petition.

While admitting the writ petition on 07.09.2006, this Court granted interim direction to the 1st respondent to pass appropriate orders on the letter dated 26.02.2004.

Today, when the matter is taken up for hearing, learned counsel for the petitioner submitted that the respondents considered and rejected the application made by the petitioner, and hence, nothing survives for adjudication in the matter and he is not pressing the writ petition.

Recording the said submission, the writ petition is dismissed as not pressed. There shall be no order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

February 06, 2015.

KTL