

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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CASE NO. W.P.No.17035 of 2012

Between:

Pappula Suryanarayana

.. Petitioner

and

The Government of Andhra Pradesh,
Cooperative Department, Kakinada and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 12.08.2015

SUBMITTED FOR APPROVAL:

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THE HON’BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17035 of 2012

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12.08.2015

Between:

Pappula Suryanarayana

.. Petitioner

and

The Government of Andhra Pradesh,
Cooperative Department, Kakinada and others

.. Respondents

Counsel for the petitioner: Mr.L.V.S.Nagaraju

Counsel for respondent Nos.1, 3 and 4: Assistant
Government

Pleader for Cooperation (AP)

Counsel for respondent No.2: Mr.K.V.Seshagiri Rao

Counsel for respondent No.5: Mr.Srinivas Basava

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside sale notice, dated 05.05.2012, as being contrary to interim order, dated 09.07.2009, in W.P.M.P.No.17772 of 2009 in W.P.No.13638 of 2009.

The petitioner averred that he is a member of respondent No.5 society registered under the Andhra Pradesh Cooperative Societies Act, 1964; that he took loan of Rs.25,000/- on 26.04.2007 for agriculture purpose by mortgaging small extent of his agricultural land; that the Government of India introduced Agriculture Debt Waiver and Debt Relief Scheme, 2008 (for short 'the Scheme') in the parliament on 29.02.2008 announcing that the farmers, who have taken loans up to 31.03.2007, and whose loans have become overdue as on 31.12.2007 and remained unpaid till 29.02.2008 are eligible under the Scheme and that accordingly, the National Bank of Agriculture and Rural Development (NABARD), vide its proceedings, dated 23.05.2008, finalized the guidelines and communicated the same to the Andhra Pradesh State Cooperative Bank (APCOB), who, in turn, communicated the same to all the agricultural cooperative societies. The petitioner further averred that respondent No.5 society prepared claims based on the aforesaid guidelines, as per which, its members, who have obtained crop loans from 01.10.2006 to 31.03.2007 and which have become overdue as on 31.12.2007 and remained unpaid till 29.02.2008 are eligible for waiver, and that as the benefit of loan waiver was not extended to its members, respondent No.5 society filed W.P.No.13638 of 2009, wherein this Court, by interim order, dated

09.07.2009, directed that the loan waiver benefit shall be extended to the members of respondent No.5 society in accordance with Clause 4 of the Scheme. The petitioner also averred that in spite of the said interim direction of this Court in the aforesaid writ petition, the respondents have been insisting on the petitioner to pay Rs.34,808/- and that therefore, he filed this writ petition.

Separate counter-affidavits have been filed by respondent Nos. 2, 4 and 5. In his counter-affidavit, respondent No.2 stated that in pursuance of interim order, dated 09.07.2009, in W.P.No.13638 of 2009, a claim list of 78 members was submitted by respondent No.5 society to it and that the same was forwarded on 12.10.2009 to NABARD through APCOB for taking appropriate further action and the same is pending. It is further stated that respondent No.5 society has not included the petitioner's name in the said claim list and that respondent No.2 has no role whatsoever in taking an independent decision unless respondent No.5 sponsors the petitioner's name.

In his counter-affidavit, the president of respondent No.5 society, *inter alia*, stated that the said respondent has strictly followed the guidelines issued by NABARD and based on the same, the list of 78 eligible members was prepared and submitted to respondent No.2.

No reply-affidavit is filed by the petitioner controverting the averments made in the counter-affidavits.

The petitioner failed to demonstrate as to how the decision of respondent No.5 society in excluding his claim for loan waiver is erroneous. In the absence of any error or illegality demonstrated by the petitioner in excluding his name, no *mandamus* can be issued to the respondents to include his name.

For the aforementioned reasons, the Writ Petition fails and the same is dismissed.

As a sequel to dismissal of the writ petition, interim order, dated 11.06.2012 as extended on 29.06.2012 is vacated and W.P.M.P.No.21851 of 2012 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

12th August, 2015

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