

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 4424 of 2009

ORDER:

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As there was no representation on behalf of the petitioners on 11.09.2015 the matter was directed to be listed to today under the caption "for dismissal". In spite of matter being posted under the caption "for dismissal" there is no representation on behalf of the petitioners either in the morning or in afternoon session. Heard learned Government Pleader for Agriculture and learned Standing Counsel for respondent No.1, perused the record and passed the order on merits.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the inaction of respondent No.1 bank in not waiving the interest on the agricultural loan obtained by the petitioners as per RBI Circular No.RBI 2006-07/156/RPCD PLFS No. BC 31.05.04.02.2006-07 dated 18.10.2006 and Circular No. 24/13.05.2000/20.06.2007 dated 26.12.2006, as illegal arbitrary and violation of principles of natural justice; and consequently direct respondent Nos.1 and 2 to waive interest on the agricultural loan obtained by the petitioner as on 01.07.2006.

The averments in the affidavit filed in support of the writ petition are as under:

Petitioner No.2 obtained agricultural loan of Rs.9,00,000/- from respondent No.1 bank in the year 1996 for agricultural harvester, for which petitioner No.1 stood as guarantor. Subsequently, some amounts were paid to the bank and thereafter the petitioners became defaulter. Respondent No.1 filed O.A.No.293

of 2002 before the Debts Recovery Tribunal, Visakhapatnam, for recovery of Rs.14,21,996/- which was allowed on 17.04.2007. It is stated that the petitioners submitted representation dated 15.09.2008 and 29.01.2009 and got issued legal notice dated 05.02.2009 requesting the respondents to waive the interest as per RBI circulars. The inaction of the respondents led to file the writ petition.

By an order dated 04.03.2009 this Court while admitting the writ petition, permitted the petitioners to make a representation to respondent No.1 for allowing the benefit of circular No.RBI 2006-07/156/RPCD PLFS No.BC 31-05-04-02-2006-07, dated 18.10.2006 and thereupon respondent No.1 was directed to consider the same and pass appropriate orders.

In view of the orders passed by this Court; since the waiver of interest is in respect of the agricultural loan taken in the year 1996 and as respondent No.1 already filed O.A.No.293 of 2002 before the Debts Recovery Tribunal, Visakhapatnam for recovery of Rs.14,21,996/- which was allowed on 17.04.2007, this Court is of the view that nothing survives in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

14.09.2015
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