

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25630 OF 2008

ORDER:

The writ petition is filed seeking the following relief:

“to declare the letter dated 14.06.2008, issued by the 3rd respondent-APCOB erroneously interpreting the clarification issued by the 2nd respondent-NABARD as to mean that a due date shall mean one year from the date of disbursement as being illegal, arbitrary and unconstitutional and in gross violation of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents to immediately implement the Agricultural Debt Waiver and Debt Relief Scheme, 2008 both to its letter and spirit by taking the due date of all the loans defined in Guidelines 3.1, 3.2 and 3.3 of the Guidelines issued by the 2nd respondent-NABARD, as six months from the date of their disbursement.”

In the affidavit filed in support of the writ petition, it is pleaded that in a similar writ petition in W.P.No.20251 of 2008, filed by the Primary Agricultural Societies of Nalgonda District, this Court passed an order dated 14.10.2008 in W.P.M.P.No.26430 of 2008.

This Court by noticing the communication dated 05.06.2008 of the 3rd respondent-APCOB is in slight variance with the scheme notified by the Government of India, had made the following order on 14.10.2008 in W.P.M.P.No.2643 of 2008 in W.P.No.20251 of 2008:

“The respondents are directed to extend the benefit to the members of the petitioner-society, strictly in accordance with the Scheme and in particular with reference to the dates mentioned in Clause 4 thereof.”

It is a matter of record that the letter dated 05.06.2008 itself

came to be withdrawn by the 3rd respondent-APCOB vide their letter dated 14.06.2008. The entire controversy in this writ petition lie in a very narrow compass that the benefit of the scheme is to be availed for the persons in relation to their due dates of payment or one year from the date of disbursement as being valid under CKCC Scheme.

This Court in the above quoted interim order directed processing of the applications submitted by the respective parties strictly in terms of the scheme. In relation to this writ petition, the learned counsel appearing for the 3rd respondent-APCOB, had submitted that on 15.02.2009 by a letter dated 05.02.2009 directed all the Presidents/C.E.Os of the petitioners-PACS to prepare and submit a comprehensive list of eligible members strictly in accordance with the interim directions of this Court and duly certified by the auditors.

Inasmuch as the third respondent-APCOB itself has directed the petitioners-PACS to adhere to the scheme and make statements of the eligible candidates, no further relief as such need be granted in this writ petition, as it is not the case of the petitioners, at this stage that any of the petitioner's case has been rejected or has not been processed in terms of the interim orders of this Court. As a matter of fact, the interim order virtually granted final relief that could have been granted at the time of disposal of the writ petition, this writ petition can be disposed of giving liberty to the petitioners to seek appropriate remedy in accordance with the law.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

Date:15.12.2015.
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