

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 32933 OF 2011

ORDER:

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The present Writ Petition came to be filed seeking to declare the action of respondents in not implementing the Agricultural Debt Waiver and Debt Relief Scheme 2008, issued in RPCD.No.TLFS.BC.72/05.04.02/2007-08, dated 23.05.2008 in favour of the petitioners as illegal and improper and consequently direct the respondents to waive the entire loan amount of the petitioners under the aforementioned scheme.

The petitioners claiming themselves to be small and marginal farmers, are eking out their livelihood by doing agricultural operations. The first petitioner is the account holder and subscriber of respondent Nos.1 and 2 (Bank), who has taken loan from the Bank. It is stated that the petitioners hold Acs.5.00 cents of agricultural land at Modumudi Village, Avanigadda Mandal, Krishna District. Though the petitioners obtained direct agricultural loan for the purpose of term production and investment, they could not repay the same as their aquaculture and agriculture area was spoiled due to virus and natural calamities. At that point of time, the Government of India announced Debt Waiver Scheme 2008. It is stated that since the claim of the petitioners fall under clauses 3.3(b) and 3.7(4) of the Scheme, they made an application for waiver of the entire loan amount or for one time settlement. Since the first and second respondents failed to extend the benefit of the Scheme to the petitioners, the present Writ Petition came to be filed.

At the time when the matter is taken up for hearing, learned counsel for the petitioners submitted that immediately after filing of the Writ Petition, the Bank has also filed O.A.No.232 of 2012 before the Debt Recovery Tribunal (for short, 'the Tribunal'), Visakhapatnam and the same is still pending for enquiry. He submits that at the same time, the

State Government has also come with a Scheme for waiving the loans in respect of small and marginal farmers. In view of the above, the learned counsel submits that he will take steps to raise the plea either before the Tribunal or atleast request the Banks to extend the policy announced by the State Government for waiver of loans for small and marginal farmers.

In view of the representation made by the learned counsel for the petitioners, the Writ Petition is disposed of giving liberty to the petitioners to approach either respondent Nos.1 and 2 seeking the benefits under the Scheme announced by the State Government or take an appropriate plea before the Tribunal which shall be dealt with in accordance with law. No costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

20.07.2015
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