IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 WRIT PETITION NO. 11975 OF 2015

SHIVAJI VITTHALRAO CHAVHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Mr. Shelke Avishkar S.
Addl. GP for Respondents State: Mrs. A. V. Gondhalekar
Advocate for Respondent No.6 : Mr. Amol S. Gandhi

CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.

DATE : 28th November, 2016

ORDER:

1. The petitioner seeks benefits of the Government Resolution dated 10th April, 2015 and the Corrigendum to the said Government Resolution, dated 27th April, 2015. According to Mr. Shelke, the learned counsel for the petitioner, the petitioner had initially taken a loan form Respondent No.6- Moneylender on 3rd May, 2013. According to the learned counsel, paper transaction was entered into on 5th March, 2015 showing that amount has been paid by the petitioner and fresh loan has been obtained. The learned counsel submits that the same is a paper transaction and that would not vitiate the claim of the petitioner pursuant to the Government Resolution dated 10th April, 2015 and 27th April, 2015. The Assistant Registrar, Cooperative can also make enquiry in that regard.

2. Mrs. Gondhalaker, the learned Addl. G.P. submits that the petitioner would not be entitled for the benefit of the Government Resolution as the same is welfare scheme for the benefit of the farmers. Those who have paid the loan earlier are not entitled to the benefit of the scheme. The petitioner, on 5th March, 2015, had paid the loan amount which he had obtained in May,2013. Learned Addl. G.P. submits that the petitioner had repaid the amount of loan advanced by respondent No.6 on 5th March, 2015 and thereafter fresh loan was sanctioned to the petitioner on the said date and even the said loan amount sanctioned on 5th March, 2015 has also been repaid by the petitioner.

3. Mr. Gandhi, the learned counsel for respondent No.6 submits that on 05.03.2015, the petitioner had repaid the entire loan and new loan was sanctioned. The new loan sanctioned is also repaid.

4. We have considered the submissions.

5. The Scheme under the Government Resolution dated 10th April, 2015 and Corrigendum to the said Government resolution, dated 27th April, 2015 is a beneficial policy evolved by the State so as to meet the precarious condition of the agriculturists. Considering

the drought situation and the compelling circumstances, the Government took a decision to pay the amount of loan outstanding payable up to 30th November, 2014 with interest on it payable up to 30.06.2015 to the money-lenders from whom the agriculturist had obtained loan.

6. In the present case, it appears that the petitioner had taken loan on 03.05.2013 and repaid on 05.03.2015 and again took new loan on 05.03.2015. The amount payable in November, 2014 was already paid by the petitioner. As such, the Government was not required to pay the amount to the moneylender. If the petitioner feels that the transaction shown on 05.03.2015 is not a genuine transaction and no actual transaction had taken place, the petitioner is at liberty to approach under the Money Lenders Act i.e. to the Assistant Registrar, Cooperative or such other officers under the said Act. If such an application/representation is made, the authority would consider the same on its own merits, expeditiously, however after hearing all parties concerned.

7. Writ petition disposed of. No costs.

(K. L. WADANE, J.) **(S. V. GANGAPURWALA, J.)**

JPC