

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2016

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THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.20401 of 2013
and M.P.No.1 of 2013

R.Krishnamoorthy

.. Petitioner

Vs

State Bank of India,
Polur ADB Branch,
Rep.by its Branch Manager,
Polur Town & Taluk,
Tiruvannamalai District.

.. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the respondent to return the petitioner's tractor bearing registration No.TN-25-F-4062.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.S.Sethuraman

ORDER

The petitioner along with his mother had availed tractor loan from the respondent bank and to secure the loan, the petitioner and his mother had given immovable properties measuring 6.6 acres of land as security. The loan was sanctioned on 04.08.2005. According to the learned counsel for the petitioner, the petitioner has given only 2 acres of land standing in his name as security before the respondent bank .

2. The Central Government had announced an Agricultural Debt Waiver and Debt Relief Scheme, 2008 whereby, the outstanding loan of small farmers are eligible for debt waiver or for Short Term Production Loan disbursed up to March 31, 2011. Admittedly, the petitioner had availed loan from the year 2005. The case of the petitioner is that he is a small farmer and therefore, the entire outstanding loan amount should be waived.

3. The petitioner's title over his properties is a matter of record which can be ascertained by the respondents. Under such circumstances, the petitioner is granted liberty to approach the respondent bank with an application for waiver of

the loan amount. On receipt of such application, the respondent shall consider the same, in the light of the observation made and in case it is found that the respondent owns land lesser than 5 acres, then the respondent bank shall extend the benefit of the Agricultural Debt Waiver and Debt Relief Scheme to the petitioner. The respondent shall pass orders on the petitioner's application, within a period of four weeks from the date of receipt of such application.

With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kkd

To

State Bank of India,
Polur ADB Branch,
Rep.by its Branch Manager,
Polur Town & Taluk,
Tiruvannamalai District.

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