

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26937/2016

V.Saminathan

.. Petitioner

Versus

The General Manager
State Bank of India,
Thirukovilur Branch
Thirukovilur,
Villupuram District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondent Bank to waive the loan availed for the purchase of Tractor bearing Registration No.TN-32-C-8274 along with accessories as an affected farmer under scheme was formulated by the Central and the State Governments, particularly, the Government G.O.[MS] No.70, Department of Food, Cooperative and Consumer Protection [CC1] dated 13.05.2006 and the Agricultural Debt Waiver and Debt Relief Scheme, 2008 as demanded in the petitioner representation dated 20.12.2012.

For Petitioner : Mr.R.Thanjan

For Respondent : Mr.P.D.Audikesavalu

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner along with his mother and sisters claims to be the legal heirs of [late] Thiru Venugopal and for the purpose of agricultural operations, the petitioner had purchased a Tractor bearing Regn.No.TN-32-C.8274 by availing the term loan of Rs.5,80,000/- from the respondent / Bank on 12.09.2006 and taking advantage of the petitioner's situation, his signatures have been obtained in blank forms. The petitioner, on account of severe drought condition, was unable to cultivate the lands and therefore, could not repay the loan on time. The respondent

/ Bank also filed a suit in OS.No.160/2013 on the file of the Court of Principal Subordinate Judge, Villupuram for recovery of a sum of Rs.6,26,334/- with interest and cost and it was decreed exparte on 09.03.2013 and steps have already been taken to set aside the exparte-decree. According to the petitioner, as per G.O.Ms.No.70, Food, Cooperative and Consumer Protection [CC1] Department, dated 13.05.2006 coupled with the scheme floated, viz., the Agricultural Debt Waiver and Debt Relief Scheme, 2008, all unpaid agricultural loans as on 31.03.2006, to be waived. In this regard, the petitioner has submitted a representation to the Hon'ble Chief Minister Grievance Cell and copies marked to the District Collector and the Tahsildar of Villupuram District as well as to the respondent / Bank and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.P.D.Audikesavalu, learned counsel who accepts notice on behalf of the respondent / Bank.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner submit one more representation to the respondent / Bank along with a copy of this order as well as the copy of the earlier representation within a period of two weeks from the date of receipt of a copy of this order and the respondent/Bank, on receipt of the said representation, is directed to consider and dispose of the same in accordance with law and pass orders within a further period of six weeks thereafter and communicate the decision taken to the petitioner.

5 The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

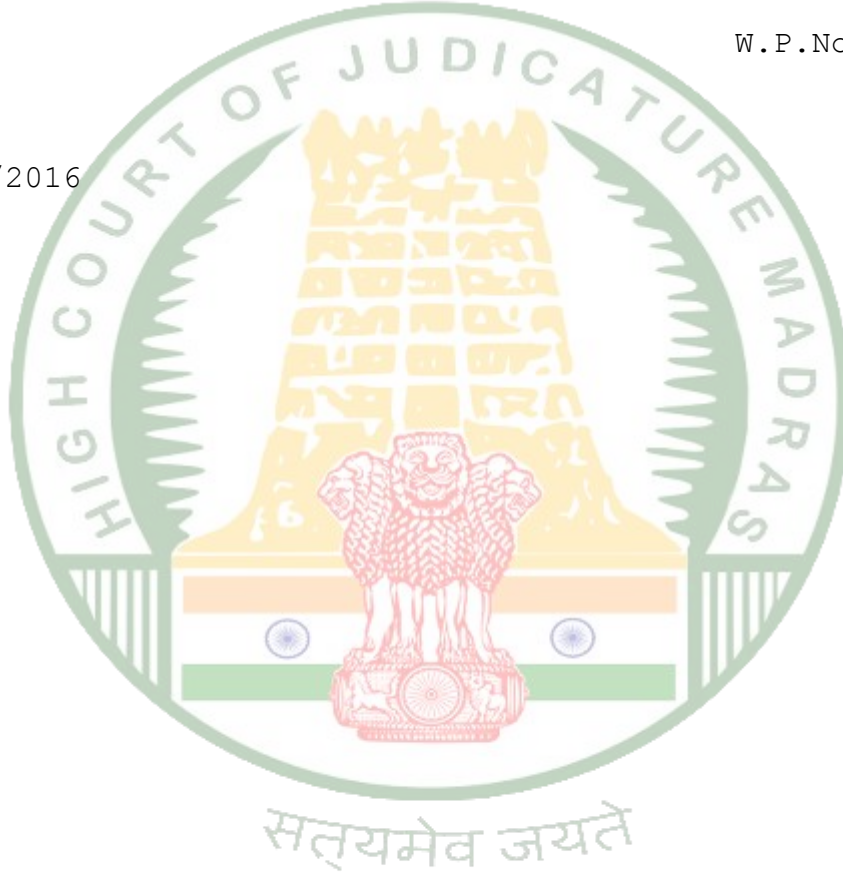
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To

The General Manager
State Bank of India,
Thirukovilur Branch
Thirukovilur, Villupuram District.

+1cc to Mr.R.Thanjan, Advocate Sr.74350

W.P.No.26937/2016

ad[co]
srg 23/08/2016



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