

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.14400 OF 2016

ORDER:

This writ petition is filed by eight (8) farmers, who have admittedly borrowed money from the 4th respondent-The Primary Agriculture Co-operative Society Limited. They challenge Form-6 notices dated 25.01.2016 issued under Rule 52 (11) (d) and (e).

A perusal of the notices dated 25.01.2016 indicate that individual decrees/awards have been passed with respect to each of the petitioners determining the amounts liable to be paid. For execution of such awards/decrees, the 4th respondent had initiated execution proceedings under Rule-52.

It is the contention of the learned counsel for the petitioners that all the petitioners being agriculturists are entitled for loan waiver scheme notified by the Central Government captioned as 'Agriculture Debt Waiver and Debt Relief Scheme-2008'. It is the grievance of the petitioners that in spite of representations made by them, without considering their eligibility and objections, the respondents have initiated EP proceedings.

On the other hand, learned counsel appearing for respondents 2 and 4 submits that what has been issued by the respondents is only Form-6 notice and further Rule-52 is comprehensive enough, which gives opportunity to the petitioners to raise all objections and instead of taking recourse to the procedure contemplated under Rule 52, petitioners have rushed to this Court. Learned counsel also pointed out that a single writ petition has been filed questioning different EP proceedings, which is also impermissible.

Having considered the rival submissions, this Court is of the view that the objection raised by the learned counsel for respondents 2 and 4 is sustainable. As can be seen from the material placed on record, E.P.No.81/14-15 relates to

1st petitioner, E.P.No.82/14-15 relates to 2nd petitioner and likewise

different EPs are involved in the matter. Merely because the date of EP and date of Form-6 notice is one and same, a single writ petition challenging on behalf of 8 petitioners in relation to different notices is not maintainable. Further, even EP notice number is also different in all cases. In those circumstances, I do not see any merit in the writ petition and the writ petition is liable to be dismissed. However, considering the fact that the petitioners are all agriculturists, they are given liberty to avail the remedy available to them in terms of Rule-52 by raising objections before the executing authority. Petitioners are also at liberty to raise the ground in executability of the decree/award in terms of the orders passed by this Court on account of applicability of the Scheme referred to above. As and when such applications are filed by the petitioners raising objections, the respondents shall consider and pass appropriate orders thereon, in accordance with law.

Subject to above observations, the writ petition is dismissed.
There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

Justice Challa Kodanda Ram

26th April, 2016.
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