

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.9729 of 2009

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Between:

1. G. Mangathayaru and another.

PETITIONERS

AND

1. The Union of India rep. by its Secretary Agriculture and rural
Development, New Delhi, and others.

RESPONDENTS

ORDER:

This writ petition is filed questioning the action of the respondents in denying the benefit of Agriculture Debt Waiver and Debt Relief Scheme – 2008 to the petitioners by the 6th respondent-society.

This Court while admitting the writ petition passed interim order on 01.05.2009 directed the respondents to extend the benefit to the petitioners strictly in accordance with the Scheme, and in particular with reference to the dates mentioned in Clause-4 thereof.

In response to the notice, the 5th respondent filed vacate stay application along with counter affidavit. Paragraph No.2 of the counter reads as follows:

“It is submitted that the Bank implemented the Agricultural Debt waiver and Debt relief Scheme 2008 (hereinafter called ‘the Scheme’) as per the guidelines communicated by the Government of India and clarifications issued thereon in true spirit and with out deviation to the procedures in vogue. The petitioner has obtained loan on 24.03.2007. The due date for crop loans is one year from the date of disbursement of loan. As such, the due date for the above loans is 23rd March 2008. Though, the loans were disbursed prior to 31st March 2007, the loans are not overdue as on 31, December 2007, accordingly they are not eligible for waiver. Hence the contention of the petitioners is not correct. The petitioner is not eligible for refund of principal amount as her loan has not become over due on 31.12.2007 hence the contention of the petitioner is not acceptable.

In the light of the specific stand taken by the 5th respondent, and in terms of the Scheme, prima facie, the petitioners are not eligible for availing the benefits under the Scheme. However, in similar facts situation, this Court in W.P.No.24536 of 2012 and batch dated

15.12.2015 had directed respective PACS to verify and forward the eligible applications to the District Cooperative Central Bank Limited, which in turn would forward to the Andhra Pradesh State Cooperation Bank Limited (APCOB), which is the Apex body.

Therefore, it is directed that if the petitioners are otherwise eligible, it is open for the 6th respondent-society to take necessary steps, if not already taken, as expeditiously as possible.

With the above observations, the writ petition is disposed of. As a sequel, pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

11th February, 2016
Js.

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