

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.01.2017

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. No.10 of 2017
& W.M.P.Nos.3 & 4 of 2017

G.Gunasekaran

.. Petitioner

versus

1. The Secretary to Government,
Ministry of Finance,
New Delhi - 1.

2. The Hon'ble Chairman,
State Bank of India,
State Bank Bhavan,
Madam Cama Road,
Mumbai - 400 021.

3. The General Manager,
State Bank of India,
College Road, Nungambakkam,
Chennai - 600 034.

4. The Regional Manager,
State Bank of India,
Divisional Commercial Complex,
No.11, Ramakrishna Road,
Balaji Towers, Seerangampalayam,
Salem - 7.

5. The Branch Manager,
State Bank of India,
Kamarajanar Road,
Attur Town - 636 102,
Salem District.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the fourth respondent in his proceedings No.Nil, dated 12.09.2016 and quash the same and consequently, direct the respondents to waive the entire agricultural loan of the petitioner.

For Petitioner : Mr.C.Prakasam

O R D E R

By consent, the Writ Petition is taken up for disposal at the admission stage itself.

2.This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the fourth respondent dated 12.09.2016 and quash the same and consequently, direct the respondents to waive the entire agricultural loan of the petitioner.

3.The petitioner is an agriculturist and cultivating sugarcane crops in his lands as well as took lease to some extent of lands. On the basis of agricultural crops loan recommendation made by the Sugar Mill, the fifth respondent sanctioned loan for the purpose of drip irrigation. According to the petitioner, the said loan was sanctioned during the year 2008, but the Sugar Mill has issued cutting orders for one acre of the cultivated sugarcane crops only after lapse of 18 months from cutting period. Hence, the petitioner met with heavy loss for more than Rs.30 lakhs. He made representation to the respondents on 18.01.2016 to extend the benefits of agricultural debt waiver and debt relief scheme, 2008 and waive the entire arrears. He has also filed Writ Petition in W.P.No.6598 of 2016 before this Court to waive the agricultural loan amount and this Court directed the fourth respondent herein to dispose of the petitioner's representation, after giving an opportunity of hearing to him. Thereafter, the petitioner filed representation dated 28.07.2016 to the respondents. On 12.09.2016, the fourth respondent rejected the petitioner's representation and directed him to repay the entire loan amount. The petitioner has got no other alternative except to approach this Court seeking to quash the impugned order dated 12.09.2016 and hence, the Writ Petition has been filed.

4.Mr.C.Prakasam, learned counsel for the petitioner would submit that the Government of India announced the scheme for waiving agricultural loan, who are having below 5 acres of land, since the petitioner is having agricultural land to the extent of 2.85 acres and he is eligible for waiver of the agricultural loan scheme, the respondents rejected the claim of the petitioner and hence, seeking to quash the impugned order dated 12.09.2016.

5.Heard Mr.C.Prakasam, learned counsel for the petitioner.

6.The only contention raised by the learned counsel for the petitioner is that the authorities have dismissed the waiving application filed by the petitioner only on the ground that the petitioner is owning 12 acres of land whereas he is owning only 5 acres of land. As clearly stated in the impugned order dated 12.09.2016 that the petitioner himself has distinctly admitted that he has cultivated 12 acres of land as against the maximum eligible 5 acres. Therefore, the authorities have rightly rejected the claim of the petitioner.

7.In such circumstances, I do not find any reason to interfere with the impugned order dated 12.09.2016 passed by the fourth respondent and hence, the Writ Petition deserves to be dismissed. Accordingly, the same is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

To

The Secretary to Government,
Ministry of Finance,
New Delhi - 1.

+1 CC to Mr.C. Prakasam, Advocate, sr 1009

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