

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.29438 of 2017.

Date of Decision: January 16, 2018

The Possi Cooperative Agricultural Service Society Ltd.Petitioner
versus
State of Punjab and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SHEKHER DHAWAN.**

Present: Mr.Ashwani Prashar, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is a Cooperative Agricultural Service Society registered under the provisions of the Punjab Cooperative Societies Act, 1961. It claims to have 206 farmers as its members, the names and account numbers of whom are mentioned in its resolution dated 17.11.2017 (P-2). The grievance in the instant writ petition is that the State of Punjab and the Deputy Commissioner, Hoshiarpur have failed to comply with the Punjab Government Notification dated 17.10.2017 which contains a Crop Loan Waiver Scheme in favour of marginal and small farmers. The Scheme provides that in case of small farmers, the entire eligible amount upto Rs.2.00 lacs shall be provided as debt relief. The petitioner-Society alleges that the above-stated Scheme is being misconstrued in respect of its members as they are not being treated as 'small' and 'marginal' farmers under clause 3.3 and 3.4 of the Scheme on an erroneous premise that they are in cultivating possession of the land as lessees etc.

We have heard learned counsel for the petitioner.

Though *prima-facie* it appears to us that the nature of claim raised in this writ petition is an individual cause of action of each affected

farmer, nevertheless, keeping in view the plea that the Deputy Commissioner, Hoshiarpur is not considering the claim of 206 farmers represented by the petitioner-Society, we deem it appropriate to dispose of this writ petition without expressing any views on merits with a direction to the Deputy Commissioner, Hoshiarpur to take up the cause of members of the petitioner-Society and determine their individual claims as to whether or not they are entitled to the benefit of Crop Loan Waiver Scheme as notified by the Punjab Government on 17.10.2017. It is made clear that in case the farmers are found entitled to any benefit under the Scheme, such benefit shall be transferred directly in their accounts and not in favour of or through the petitioner-Society.

Dasti.

(SURYA KANT)
JUDGE

January 16, 2018
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(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No