

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 4734 OF 2015

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Tanaji Shivram Ghatge And Anr.Petitioners

V/S

Union Of India Through Ministry Of Finance
And Ors.Respondents

WITH

WRIT PETITION NO. 13888 OF 2016

Subhash Mahadev Mali And Ors.Petitioner

V/S

Union Of India And Ors.Respondents

...

Mr.Dhairyasheel Sutar a/w Ms.Anushree Kurup for the Petitioners.

Mr.Parshuram S.Gujar for the Respondent No.1.

Mr.Shrikrishna R. Ganbavale for Respondent No.3.

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CORAM : A.A. SAYED &**PRAKASH D. NAIK, JJ.****DATED : 14 JUNE 2019****P.C.:**

Learned Counsel for the Petitioners states that identical Petitions being Writ Petition No.4399 of 2013 and connected Writ Petitions have been disposed of by a common judgment and order dated 30 January 2017 and the present matters would also be covered by the said order. We are also informed that the above judgment and order dated 30 January 2017 has now

been challenged by the Respondents before the Supreme Court, however there is no stay granted by the Supreme Court to the said order dated 30 January 2017.

2. Hence, the following order:

ORDER

(i) The question posed in the instant Petition deserves to be addressed taking into consideration ground realities as regards distress and difficulties faced by class of marginal and small agriculturists. Apart from point of view of sufferings, the point of view of financial resources crunch faced by the class of marginal and small farmers also needs to be looked into from the humanitarian and social point of view and realistic approach needs to be adopted. Looking from the point of view of distress faced by the class of small and marginal farmers, it would not be permissible to take away financial benefits already accrued to the Petitioners and other agriculturists who are similarly placed without extending an opportunity to them to meet the objection. It would also be impermissible for the Respondents to apply criteria outside the parameters laid down under the Scheme and for withdrawing the benefits already extended to the agriculturists. Respondents therefore deserve to be directed not to apply the criteria of Normal Credit Limit for taking away benefits already extended to the marginal and small farmers, Petitioners and other similarly situated agriculturists and it is accordingly directed. It would, however, be open

for Respondents to investigate and pursue remedies in respect of cases and accounts where it is noticed that benefits have been extended beyond the parameters laid down under the Scheme of 2008 and in cases of fraudulent claims or any other such valid ground.

3. The Writ Petitions to stand disposed of in the above terms. Rule is made absolute accordingly. No costs.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)