



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P (MD) No. 24548 of 2019

and

WMP (MD) No. 21171 of 2019

1.D.S.Selvayogan

2.S.Narayani

.. Petitioners

Vs.

1.The Government of Tamil Nadu,
rep.by its Secretary,
Department of Agriculture,
Fort St. George,
Chennai - 600 009.

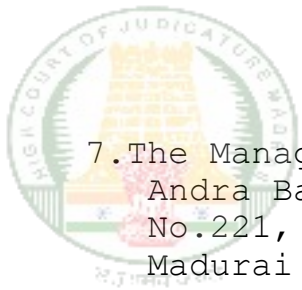
2.The Director,
Tamil Nadu Horticulture Development Agency,
(TANHODA),
Agriculture Complex,
1st floor,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Dindigul District,
Dindigul.

4.The District Collector,
Nilgiris District,
Nilgiris.

5.The Commissioner,
Horticulture and Plantation Crops,
3rd floor, Agriculture Complex,
Ezhilagam, Chepauk,
Chennai - 600 005.

6.The Regional Director for Tamil Nadu
Reserve Bank of India,
Fort Glacis,
Rajaji Salai,
Post Box No.40,
Chennai - 600 001.



7.The Manager,
Andra Bank,
No.221, South Masi Street,
Madurai - 625 001.

8.The General Manager,
Andra Bank,
Head Office,
Dr.Pattabi Bhavan,
No.5-9-11, Shibabad,
Hyderabad - 500 004.

9.The Manager,
State Bank of India,
Chitrakoodam Kalpana Road,
Udumalaipettai,
Thiruppur District.

10.The General Manager,
State Bank of India,
Circle Top House,
No.16, College Line,
Chennai - 600 006.

... Respondents

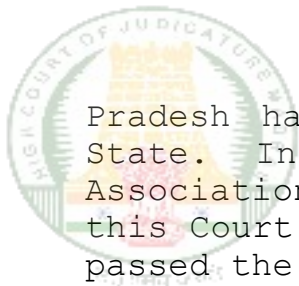
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to extend the benefits as derived by the Nilgiri District Floriculture Small Farmers by means of an order of this Court dated 22/07/2016 made in W.P.No.21444 of 2015 and consequential Memorandum as drawn by the 4th respondent made in D.O.Lr.No.A8/8023/2015 dt.17/08/2018 and also in pursuance of the petitioners' representation dated 17/10/2019 forthwith.

For Petitioners	: Mr.S.Palani Velayutham
For Respondents	: Mrs.J.Padmavathi Devi Special Government Pleader

ORDER

Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the respondents 1 to 5. In view of the order going to be passed hereunder, notice need not be sent to the remaining respondents.

2.The petitioners are husband and wife, having agricultural properties in Kundupatti Kookal Village, Kodaikanal Taluk, Dindigul District. They are doing horticulture in those properties, by setting up a green house. For the purpose of constructing green house, they obtained loan from the respondents 7 to 10. But, they incurred heavy loss due to the act of their agent in supplying seeds. In similar circumstances, the Government of Himachal



Pradesh has given certain reliefs to the floriculturists of that State. In a similar circumstance, Floriculture Small Farmers Association, filed a writ petition before the Principal Bench of this Court. The Hon'ble first Division Bench in WP.No.21444 of 2015, passed the following order on 22.07.2016.

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"Learned counsel appearing for the National Horticulture Board, Gurgaon, Haryana / 12th respondent states that he has instructions that they would not be really concerned with the subject matter.

2.Learned counsel for the petitioner states that the perusal of the guidelines placed by the Reserve Bank of India would show that apparently the only way the petitioner members can get any relief is if the damages are found to be one resulting from natural calamity.

3.In the aforesaid context, learned counsel for the petitioner as well as the learned Government Pleader have drawn our attention to the report, which is the outcome of the meeting held with Nilgiri District Floriculture Small Farmers Association. Various recommendations are made in the same. Recommendation No.3 is as under:

"13.It was suggested to give one time relief grant to the Nilgiri Floriculture Small Growers to recover bad debts as done in Himachal Pradesh."

4.Thus, the only prayer made by the learned counsel for the petitioner is that in view of the aforesaid recommendation, the State Government may examine how best relief can be granted to the floriculturists keeping in mind the guidelines of the Reserve Bank of India.

5.We, thus, direct the State Government to examine the issue in the aforesaid context within a period of three (3) months from the date of receipt of the order."

Pursuant to that, the District Collector, the fourth respondent herein, has convened a meeting and resolved to do the following acts.

"1.Intimate the Bankers to immediately stop the debt recovery process, till a consensus is arrived at, at the Government level. The Government can be requested to issue necessary instructions to the State Level Bankers Committee (SLBC) to work out an One Time Settlement (OTS) Scheme.

2.The bankers may allow the farmers to repay 50% of the actual amount extended to them as loan, as One Time Settlement (OTS), thereby waiving off the interest and penal interest accrued on the principal amount.



3.After arriving at an One Time Settlement (OTS) all the affected farmers can be given a one year repayment period failing which necessary debt recovery process can be initiated against them. The Horticulture Growers Association has accepted for the same.

During the meeting, the Lead Bank Manager has informed that as the loans have been extended to different farmers by different banks, it is difficult for the Bank Managers to take a decision at district level. Hence, the Lead Bank Manager has requested the Government to issue necessary instructions to the State Level Banking Committee so that all the Head Offices of different banks can issue necessary instructions to their respective branches in the district, on the above resolutions.

Therefore, I request that, if the above resolutions are agreed by the Government, necessary instructions may kindly be issued at the State Level Bankers Committee, as per directions issued by the Hon'ble Court of Madras in W.P.No.21444 of 2015."

3.Now, the petitioners are also seeking consideration of their representation dated 17.10.2019 by the respondents 7 to 10. Accordingly, a direction is given to the respondents 7 to 10 to consider the petitioners' representation in the light of the order dated 22.07.2016 passed by the Hon'ble First Division Bench of the Principal Seat of this Court in W.P.No.21444 of 2015 and the recommendation made by the District Collector dated 17.08.2018 and pass orders within a period of four weeks from the date of receipt of a copy of this order.

4.The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.21171 of 2019 is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Secretary,
Government of Tamil Nadu,
Department of Agriculture,
Fort St. George,
Chennai - 600 009.



2.The Director,
Tamil Nadu Horticulture Development Agency,
(TANHODA),
Agriculture Complex,
1st floor, Chepauk,
Chennai - 600 005.

3.The District Collector,
Dindigul District,
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4.The District Collector,
Nilgiris District,
Nilgiris.

5.The Commissioner,
Horticulture and Plantation Crops,
3rd floor, Agriculture Complex,
Ezhilagam, Chepauk,
Chennai - 600 005.

+1 CC to M/s.A.UTHAYA KUMAR, Advocate (SR-100244[F]

+1 CC to M/s.GP (SR-100557[F]

W.P(MD)No.24548 of 2019
21.11.2019

AL(CO)

TR(29.11.2019) 5P 8C