



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15854 of 2011

and

M.P.No.1 of 2011

G.Mani.

... Petitioner

Vs.

The Branch Manager
State Bank of India,
Agriculture Development Branch,
Villupuram, Villupuram District.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order issued by the respondent in their proceedings No.NIL dated NIL and quash the same and consequently direct the respondent to waive the entire loan amount issued to the petitioner as per the scheme viz., Central Government Agricultural Loan Waiver and Debt Relief Scheme 2008.

For Petitioner : Mr.S.Swamidoss Manokaran

For Respondent : Mr.Chandrasekharan.

O R D E R

The relief sought for in the present Writ Petition is to grant waiver on entire loan amount issued to the petitioner under the Central Government Agricultural Scheme. Admittedly, the petitioner borrowed an agricultural loan for the purchase of tractor in the year 2005. The respondent sanctioned the loan amount of Rs. 4,00,000/- and the said amount was released on 12.07.2005 for purchase of a tractor EICHER 242.

2. The petitioner now claims waiver of the entire loan amount on the ground that the loan was granted for an agricultural purpose.



3. This court is of the considered opinion that the waiver of loan can never be claimed as a matter of right by the borrower. Waiver of loans are granted under special scheme by way of policy by the Government on certain terms and conditions. If at all the petitioner is eligible under any waiver scheme, then alone the petitioner can claim waiver and not otherwise.

4. The High Court cannot issue any direction to grant waiver of loan which is otherwise not contemplated under any scheme by way of policy by the Government. This being the basic principle to be followed, the very claim itself cannot be considered.

5. The learned counsel appearing on behalf of the respondent, State Bank of India made a submission that no such waiver scheme was prevailing during the relevant point of time and the petitioner is a defaulter. Therefore, he is liable to settle the loan amount.

6. This being the submission made, the relief sought for in the present Writ Petition cannot be granted and the petitioner is bound to repay the loan amount as per the terms and conditions of the agreement.

7. With these observations, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

To

The Branch Manager,
State Bank of India,
Agriculture Development Branch,
Villupuram, Villupuram District.

W.P.No.15854 of 2011
and
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