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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No. 3658 of 2011
and
M.P. No.1 of 2011

V. Venkatesan

.. Petitioner

Versus

1.Union of India

Represented by Secretary to Government
Ministry of Agriculture
New Delhi

2.Indian Bank

Represented by its Branch Manager
Pennagaram Branch
Dharmapuri District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the case of the petitioner for waiver in respect of power tiller and trailer loans availed in the years 1998 and 1999 from the 2nd respondent Bank as per the "Union of India Agricultural loan waiver Scheme-2008".

For Petitioner : No appearance

For R2 : Mr. L. Jayakumar

ORDER

The prayer made in this writ petition is to issue a Writ of Mandamus directing the 2nd respondent to consider the case of the petitioner for waiver in respect of power tiller and trailer loans availed in the years 1998 and 1999 from the 2nd respondent Bank as per the "Union of India Agricultural loan waiver Scheme-2008".

2. Today, when the matter is taken up for consideration, there is no representation for the petitioner.



3. Heard the learned counsel appearing for the 2nd respondent and perused the materials available on record.

4. According to the petitioner, the 2nd respondent Bank has sanctioned loans to the petitioner for purchasing power tiller and trailer on the basis of the two separate applications submitted by him. After repaying some amount towards the loan, the petitioner could not repay the remaining loan amount. While so, the 1st respondent has introduced a loan waiver scheme. According to the petitioner, as per the terms of the waiver scheme, he is entitled for waiver of entire loan amount for the purchase of trailer. However, the 2nd respondent Bank has not extended the benefit of waiver scheme to the petitioner. Therefore, the petitioner has made two representations to the 2nd respondent on 02.08.2009 and 14.09.2010. But the 2nd respondent has not extended the said benefit to the petitioner and therefore, the petitioner has filed this writ petition.

5. Upon notice, the 2nd respondent filed a detailed counter affidavit, wherein, in paragraph-10, they have specifically denied the receipt of any representations from the petitioner. The learned counsel appearing for the 2nd respondent also submitted that the petitioner is cultivating 8.19 acres of agricultural land either as owner or as tenant and therefore, he falls within the category of 'other farmers'. As per the waiver scheme announced by the Central Government, the loans availed by the farmers has been categorised into three namely direct agricultural loan, short term production loan and investment loan. The petitioner herein has availed investment loan for direct agricultural activities, for example, deepening of well or new wells, installation of pump sets, purchase of tractor for traditional and non-traditional farming etc., On the other hand, the Scheme formulated by the Central Government is intended to waive the loans availed by marginal farmer cultivating agricultural land having an extent of upto 2.5 acres, small farmers with agricultural cultivating of land upto 5 acres. In the present case, the petitioner is cultivating land having an extent of 8.19 acres and therefore, he will not fall within the parameters laid down by the Central Government for waiver of loan. Therefore, the second respondent, in the counter affidavit, strongly opposed the relief prayed for by the petitioner.

6. As per the averments in the counter affidavit, the petitioner is not entitled for waiver under the scheme. Above all, it is stated that the petitioner has not submitted any representations on 02.09.2009 and 14.09.2009 to the respondents. The petitioner is not represented by any counsel to deny the averments made in the counter affidavit. This writ petition is pending from the year 2011 and the petitioner has not taken any



steps to prosecute this writ petition. Therefore, in the light of the averments made in the counter affidavit filed by the 2nd respondent, this Court finds that there is no merits in the writ petition. Accordingly, this writ petition stands dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kj/rsh

To

1.The Secretary to Government,
Union of India,
Ministry of Agriculture,
New Delhi.

2.The Branch Manager,
Indian Bank,
Pennagaram Branch,
Dharmapuri District.

WP No. 3658 of 2011

PMK (CO)
PR (31/08/2021)