

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

121 WRIT PETITION NO.12957 OF 2022

VIKAS GANESH GUND UNDER GUARDIAN KALPNA GANESH GUND
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. C. D. Biradar.
AGP for Respondent Nos.1 & 2 : Mrs. R. P. Gaur.
...

CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.

DATE : 22nd December, 2022.

P.C.:

1. The petitioner has put forth prayer clauses 'B', 'C' and 'D' as under:-

"B) By issuing writ of mandamus or any other appropriate writ, order or directions in like nature, may kindly be directed to respondents to deposit/pay the amount of debt/loan with interest upon it and grant the benefit as per the Govt. resolution dated 28.08.2017 "Chatrapati Shivaji Maharaj Shetkari Sanman Yojana -2017. Now the said Scheme replaced by Govt. Resolution dated 27.12.2019 "Mahatma Phule Shetkari Karj Mukti Yojana -2019" immediately to the petitioner.

C] By allowing this Writ Petition, hold and declare that the petitioner is eligible for the benefit for the said scheme and direct the respondent to waive the

debt/loan of the petitioner in view of the Govt. resolution dated 28.08.2017 "Chatrapati Shivaji Maharaj Shetkari Sanman Yojana -2017. Now the said Scheme replaced by Govt. Resolution dated 27.12.2019 "Mahatma Phule Shetkari Karj Mukti Yojana - 2019" immediately to the petitioner.

D] To direct the respondents to grant the debt / loan to the petitioner without asking for no dues certificate for grant of fresh debt/loan."

2. We have considered the submissions of the learned advocate for the petitioner and the learned AGP on behalf of respondent Nos.1 and 2. Respondent Nos.3 and 4 are formal parties. Considering the order that we are passing, we have not issued notice to respondent Nos. 3 and 4, who are formal parties.

3. The document placed before us is the communication dated 24.2.2020 by the Assistant Registrar, Co-operative Societies, Shrirampur, District Ahmadnagar addressed to the Member of Legislative Assembly (MLA) of Shrirampur constituency. The communication dated 19.3.2022 by the General Manager of the Agricultural Loan Department of respondent Bank is addressed to the District Deputy Registrar, Co-operative Societies, Ahmadnagar and the communication dated 24.3.2022 by the Assistant Registrar, Co-operative Societies, Shrirampur is addressed to the petitioner. These

would indicate that the petitioner is eligible for the 'Chhatrapati Shivaji Maharaj Shetkari Sanman Yojna 2017 – Karj Mukti Yojna' (hereafter referred to as '2017 Scheme'). We are informed that the said scheme has now been replaced by 'Mahatma Jyotirao Phule Shetkari Karj Mukti Yojana, 2019' introduced vide Government Resolution (GR) dated 27.12.2019. The Issue before us pertains to the 2017 Scheme.

4. In view of the above, this petition is disposed off, with a direction to the State Government, through the State Level Drawing and Disbursing Officer, to scrutinize as to whether the petitioner's name can be included in the green list so as to be eligible for the benefits of the loan waiver scheme. Once such entitlement is decided, if not already decided, the claim of the petitioner be processed, after recording his entitlement for entering his name in green list, as expeditiously as possible and preferably, within 3 months.

5. Since similar matters had earlier come before us bearing Writ Petition Nos. 4814 and 4817 of 2022 and since Smt. Gaur informs that there could be several such agriculturists, who may have grievance of similar nature, we direct the respondents to consider all such cases, which have not been brought before us, in the light of this order so as to avoid unnecessary litigation.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]