



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.40739 of 2015

S.Vinayakamurthi

... Petitioner

Vs

1. The Assistant General Manager,
State Bank of India,
Micro Finance Branch,
No.34, Kosamadam Street,
Thiruvannamalai - 606 601.

2. The Branch Manager,
State Bank of India,
No.34, Kosamadam Street,
Thiruvannamalai - 606 601.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the claim of the petitioner to waive the agricultural loan.

For Petitioner : Mr.R.Dhinesh Kumar

For Respondents : Mr.R.Vigneshwaran

O R D E R

The relief sought for in the present writ petition is to direct the respondents to consider the claim of the petitioner to waive the agricultural loan.

2.Agricultural loans are granted based on certain terms and conditions of contract. If at all, the waiver scheme is introduced by the Banit, then such schemes are to be implemented scrupulously with reference to the eligibility and the conditions stipulated. High Court in a writ proceedings cannot go into such terms and conditions of the contract for the



purpose of grant of waiver of loan. Mere direction to consider the representation also cannot be considered, as waiver of loan itself can never be claimed as a matter of right by the borrowers. The right vests on borrower strictly in accordance with the terms and conditions of any such scheme and therefore, the competent authorities are empowered to consider the same to find out the eligibility. Contrarily, High Court cannot adjudicate the issues on merits for the purpose of crystallizing the rights of the parties. Thus, it is for the petitioner to approach the Bank for redressal of the grievances.

3. With the above observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Assistant General Manager,
State Bank of India,
Micro Finance Branch,
No.34, Kosamadam Street,
Thiruvannamalai - 606 601.
2. The Branch Manager,
State Bank of India,
No.34, Kosamadam Street,
Thiruvannamalai - 606 601.

+1cc to Mr.R.Dhinesh Kumar, Advocate, S.R.No.4485

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PCH (CO)
SU (09/02/2022)