

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

**REVIEW APPLICATION NO.01 OF 2023 IN WRIT PETITION NO.27054 OF 2015
AND CONTEMPT CASE NO.1693 OF 2023**

REVIEW APPLICATION NO.01 OF 2023 IN W.P.NO.27054 OF 2015

Between:

Union Bank of India, Miryalaguda 3-Branch, Erstwhile Andhra Bank, Ashok Nagar Branch, Miryalaguda, Nalgonda District, represented by its Branch Manager.

...PETITIONER

AND

1. Modala Mallesh, S/o Venkaiah, Aged about 31 years, resident of D.No.7-1572/2, Bagarugadda, Miryalaguda, Nalgonda District
2. Modala Swathi W/o Mallesh, Agea about 27 years, resident of D.No.7-1572/2, Bangarugadda, Miryalaguda, Nalgonda District.

...RESPONDENT No.1 &2/PETITIONERS

3. The District Collector, Nalgonda District at Nalgonda District.
4. The Joint Director of Agriculture, Prakasam Bazaar, Nalgonda, Nalgonda District
5. The Tahsildar, Anumala Mandal, Nalgonda District.
6. The State of Telangana, represented by its, Principal Secretary, Department of Agriculture And Cooperation (Agr-II) Department, Telangana Secretariat, Hyderabad.

**...RESPONDENT Nos.3 to 6/
RESPONDENT NOS.2 to 5 in W.P**

Petition filed under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to modify/clarify the orders dt.27-09-2022 in W.P.No.27054 of 2015, in the interest of justice.

WRIT PETITION NO.27054 OF 2015

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not waiving agricultural crop loan in Account No.78730100028748 of the petitioner in terms of the loan waiver document/order dated 30-09-2014 issued under agricultural loan waiver scheme-2014 by the Government of Telangana and issuing the registered notice dated 07-08-2015 by the 1st respondent Bank proposing to auction the gold articles kept as security against the said loan as the same is arbitrary, illegal and violative of the G.O.Rt.No.69 dated 13-08-2014 issued by the Government and consequently direct the respondent 1 to withdraw the auction notice dated 07-08-2015 as also all the respondents to implement loan waiver Scheme in respect of agricultural crop loan in Account No.78730100028748.

C.C NO: 1693 OF 2023

Between:

1. Modala Mallesh, S/o Venkaiah, Age. 32 years, presently H.No. 28-1062, Vidyanagar, Miryalaguda, Nalgonda District. (Previously residing at D No. 7-1572/2, Bangarugadda, Miryalaguda Nalgonda District
2. Modala Swathi, W/o Mallesh, Age. 28 years, presently H.No. 28-1062, Vidyanagar, Miryalaguda, Nalgonda District. (Previously residing at D No. 7-1572/2, Bangarugadda, Miryalaguda Nalgonda District

...PETITIONERS

AND

K. Subramanyam, Branch Manager , Union Bank of India, Blue Whale Palace, Reddy Colony, Miryalaguda Branch-3, Miryalaguda, Nalgonda District 508207

...CONTEMNORS

Petition under Sections 10 to 12 of Contempt of Courts Act 1971 praying that in the circumstances stated in the affidavit file herein the High Court may be pleased to punish the respondent herein for the Contempt of this Honble Court for violating the order dated 27.09.2022 in WP No. 27054/2015 deliberately and willfully.

Counsel for the Review Petitioner/
Respondent No.1 in W.P.No.27054 of 2015 : SMT V. DYUMANI, (SC FOR UBI)

Counsel for the Respondent Nos.1 and 2
/Writ Petitioners : SRI. PASHAM RAVINDRA REDDY

Counsel for the Respondent Nos.3to6/
Respondent Nos.2to5 in W.P.No.27054 of 2015 : Smt.A.SUNITHA,
ASST. G.P FOR THE
ADDL.ADVOCATE GENERAL

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

**REVIEW APPLICATION NO.01 OF 2023 IN WRIT PETITION
NO.27054 OF 2015 AND CONTEMPT CASE NO.1693 OF 2023**

COMMON ORDER:

Heard Smt.V. Dyumani, learned counsel appearing for the review petitioner / respondent No.1 in W.P.No.27054 of 2015, Sri Pasham Ravindra Reddy, learned counsel appearing for respondent Nos.1 and 2 / writ petitioners and Smt.A. Sunitha, learned Assistant Government Pleader representing learned Additional Advocate General for respondent Nos.3 to 6 / respondent Nos.2 to 5 in W.P.No.27054 of 2015.

2. This review application is filed to modify / clarify the order dated 27-09-2022 in W.P.No.27054 of 2015. Vide aforesaid order this Court allowed the said Writ Petition and directed respondent No.1 therein / review petitioner to refund the amount of Rs.1,47,835/- along with interest to the writ petitioners within four (4) weeks from the date

of receipt of a copy of the said order. Review petitioner is seeking review of the said order on the following grounds:

- i. Review petitioner bank is only intermediary.
- ii. Scheme is formulated by the State Government.
- iii. Scheme is limited only for Rs.1,00,000/-. Therefore, without concurrence of respondent Nos.2 to 6 herein, who framed the scheme, review petitioner herein cannot refund the aforesaid amount.

3. Whereas Sri Pasham Ravindra Reddy, learned counsel appearing for respondent Nos.1 and 2 / writ petitioners would submit that the review petitioner herein may be directed to refund the aforesaid amount and claim the said amount from respondent Nos.2 to 6 herein.

4. Smt.A. Sunitha, learned Assistant Government Pleader representing learned Additional Advocate General for respondent Nos.3 to 6 / respondent Nos.2 to 5 in W.P.No.27054 of 2015 would submit that the scheme is formulated by the State Government and guidelines were issued vide G.O.Rt.No.69 dated 13-08-2014. As per the

said guidelines review petitioner herein is only intermediary, therefore, concurrence is required for review petitioner to refund the said amount.

5. In the light of the aforesaid submissions and also considering the guidelines issued by respondent No.5 in W.P.No.27054 of 2015, Review Application No.01 of 2023 is ordered and order dated 27-09-2022 in W.P.No.27054 of 2015 is modified and review petitioner herein is directed to refund the aforesaid amount of Rs.1,47,835/- along with interest to the writ petitioners within three (3) weeks from the date of receipt of a copy of this order in concurrence with respondent Nos.3 to 6 herein / respondent Nos.2 to 5 in W.P.No.27054 of 2015 in terms of guidelines issued by respondent No.5 in W.P.No.27054 of 2015 vide G.O.Rt.No.69 dated 13-08-2014.

6. Contempt Case No.1693 of 2023 is closed granting liberty to the petitioners to file fresh Contempt Case. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, pending if any, shall stand closed.

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SD/- K.SHYLESHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Branch Manager, Union Bank of India, Blue Whale Palace, Reddy Colony, Miryalaguda Branch-3, Miryalaguda, Nalgonda District.
2. The District Collector, Nalgonda District at Nalgonda District.
3. The Joint Director of Agriculture, Prakasam Bazaar, Nalgonda, Nalgonda District
4. The Tahsildar, Anumala Mandal, Nalgonda District.
5. The Principal Secretary, Department of Agriculture And Cooperation (Agr-II) Department, State of Telangana, Telangana Secretariat, Hyderabad.
6. One CC to Sri Pasham Ravindra Reddy, Advocate [OPUC]
7. Two CCs to the Additional Advocate General, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CCs to GP for Cooperation, High Court for the State of Telangana at Hyderabad. [OUT]
10. One CC to Smt. V. Dyumani, SC FOR UBI [OPUC]
11. Two CD Copies.

BSK

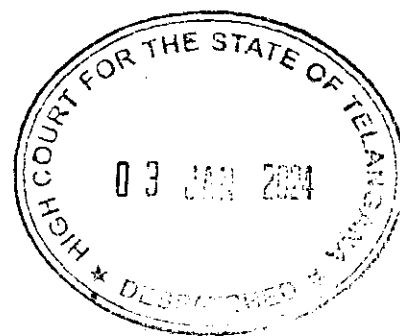


HIGH COURT

DATED: 29/12/2023

CC TODAY

COMMON ORDER



**REVIEW APPLICATION NO.01 OF 2023
IN WRIT PETITION NO.27054 OF 2015
AND
CONTEMPT CASE NO.1693 OF 2023**

**ORDERING THE REVIEW APPLICATION NO.01 OF
2023 IN WRIT PETITION NO.27054 OF 2015 AND
CLOSING THE CONTEMPT CASE NO.1693 OF 2023
WITHOUT COSTS**

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