

(2003) 09 MAD CK 0047

In the Madras High Court

Case No : Writ Petition No's. 5339 and 5340 of 2000

A. Ayyankutty and A. Raju

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 03-09-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 09 MAD CK 0047

Hon'ble Judges : A.K. Rajan, J

Bench : Single Bench

Advocate : C. Selvaraju, for the Appellant; R. Vijayakyumar, Government Advocate for Respondent 1 and G. Sankaran, for Respondents 2 and 3, for the Respondent

Final Decision : Dismissed

Judgement

A.K. Rajan, J.—The writ petitions have been filed for the issue of a writ of mandamus directing the second respondent to consider the

representation of the petitioners dated 8.9.97 and 21.7.97 respectively.

2. The petitioners obtained loan from the third respondent bank for digging a well and subsequently they have repaid a portion of the loan. The

balance amount remains unpaid. The petitioners gave representations stating that they have suffered heavy loss due to the rain and cyclone and

since they are very poor agriculturists they are unable to repay the loan and they have requested the second respondent to waive the balance of

loan amount.

3. The petitioners rely upon G.O.Ms. No. 419 Finance (IF) Department dated 19.4.1990. The relevant portion reads as follows:

The Government after careful examinations now direct that the rules for

governing the Administration of the Failed Wells compensation fund be framed as detailed in the annexure to the order. The rule so framed will come into force on 1.7.1986 in so far as they apply to the loans issued to small farmers and Marginal farmers by all financial institutions viz., Land Development Banks, Central Co-operative Banks, Commercial Banks and Regional Rural Banks.

This G.O confers certain benefits on the persons who dig well and the well fails to yield any water. Only such cases are covered under the G.O.

The petitioners cannot claim any benefit under the said G.O on the ground that he is a poor agriculturist. Therefore the writ petitions are devoid of any merits and accordingly they are dismissed.