
(2010) 08 UK CK 0095
In the Uttarakhand High Court

Bachan Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 06-08-2010

Acts Referred:

Citation : (2010) 08 UK CK 0095

Hon'ble Judges : V.K. Bist, J

Bench : Single Bench

Judgement

V.K. Bist, J.—Heard learned Counsel for the parties.

2. Present petition has been filed by the petitioner for the following reliefs:

- i) Issue a writ, order or direction in the nature of mandamus directing the respondents to consider the petitioner's case under the provisions of the aforesaid scheme.
- ii) Issue a writ, order or direction in the nature of mandamus directing the respondent No. 3 to waive the entire agricultural loan amount of the petitioner and to issue a certificate under clause 9 of the aforesaid scheme.
- iii) Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.
- iv) Award the cost of the petition to the petitioner.

3. Brief facts of the case, as narrated in the writ petition, are that the petitioner is a permanent resident of village Siroli Kalan, Post office Kichha, District Udham Singh Nagar. He took an agricultural loan amounting to Rs. 95,000/- from the respondent No. 3-Oriental Bank of Commerce, Branch Kichha, District Udham Singh Nagar in the year 2005 for which the land bearing Khasra No. 50 (measuring 1.1760 hectare) and Khasra No. 62 Kha (measuring 0.0920 hectare) was mortgaged. In the year 2006, the loan amount of the petitioner was enhanced upto Rs. 2 Lakhs by the respondent No. 3 and 1/6th share of the land

bearing Khasra No. 407 and 417 belonging to the petitioner was mortgaged. In the year 2008, the respondent No. 1 issued a scheme i.e. Agricultural Debt Waiver and Debt Relief Scheme, 2008 for the welfare of the farmers and categorized them in the scheme. The case of the petitioner is that he comes under the category of small farmers and is covered under the scheme. Learned Counsel for the petitioner submitted that in view of this fact, the entire loan amount of the petitioner is liable to be waived but the respondent No. 3 has not issued desired certificate as provided in Clause 9 of the aforesaid scheme.

4. Learned Counsel for the petitioner submitted that the petitioner met respondent No. 3 several times and requested for giving him benefit under the Agricultural Debt Waiver and Debt Relief Scheme 2008 but the respondent No. 3 has not issued the certificate under Clause 9 of the aforesaid scheme.

5. Provisions of Agricultural Debt Waiver and Debt Relief Scheme, 2008 is quoted below:

3.6. ?Marginal Farmer? means a farmer cultivating (as owner or tenant or share cropper) agricultural land of more than 1 hectare and up to 2 hectares (5 acres).

5.1. In the case of a small or marginal farmer, the entire ?eligible amount? shall be waived.

9.1. In the case of small and marginal farmers, upon waiver of the eligible amount, the lending institution shall issue a certificate to the effect that the loan has been waived and specifically mention the eligible amount that has been waived.

6. Learned Counsel for the respondent No. 3 submitted that in case the petitioner approaches the bank with application, respondent bank will examine the case of the petitioner and will pass suitable order.

7. After hearing learned Counsel for the parties and after going through the scheme as well as the facts mentioned in the writ petition, the petitioner is permitted to file a representation before the respondent No. 3 within a period of 10 days from today. In case such representation is filed before the respondent No. 3, the respondent No. 3 shall take decision on the same within a period of 2 weeks from the date of filing of representation.

8. With these directions, the writ petition is disposed of. Interim relief application No. 6477 of 2010 also stands disposed of.