(2003) 07 AP CK 0054

In the Andhra Pradesh High Court

Case No : Writ Petition No. 4945 of 1994

Disemcharla Penchalaiah APPELLANT

Vs

Manager Syndicate Bank and Another RESPONDENT

Date of Decision : 07-07-2003

Acts Referred:

Citation : (2003) 5 ALD 360 : (2003) 2 AnWR 619

Hon'ble Judges : V.V.S. Rao, J

Bench : Single Bench

Advocate : M. Prabhakara Rao, for the Appellant; M. Venkata Rao, for the Respondent

Final Decision : Dismissed

Judgement

V.V.S. Rao, J.—The petitioner, who is a resident of Vennawada, Atmakur Mandal, Nellore District filed the present writ petition seeking a writ of mandamus declaring the action of the first respondent namely, Syndicate Bank, D.C. Palli, Marripadu Mandal, Nellore District in not implementing the scheme "Agricultural and Rural Debt Relief Scheme, 1990" (for short ''Relief Scheme'') of Government of India as illegal, arbitrary and discriminatory. He also seeks a consequential declaration that the petitioner is entitled for the benefits under the said scheme.

2. The learned Counsel for the petitioner submits that the case of the petitioner was not considered on par with the similarly situated persons for the purpose of availing the benefit under the Relief Scheme.

3. The petitioner obtained an amount of Rs. 10,000/- in the year 1986 from the first respondent Bank towards crop loan. By 1988 he repaid the same and again on 12.11.1988 the first respondent sanctioned another sum of Rs. 10,000/- towards crop loan. As per the sanction, the petitioner is required to pay the amount by 1.7.1989. While so, the Government of India introduced the debt Relief Scheme, which came into force from 15.8.1990. The scheme provides for debt relief upto a maximum of Rs. 10,000/- to eligible farmers, weavers, artisans

etc., who are in default to Cooperative Credit Institutions as on 2.10.1989. Under the scheme the Government of India would bear 50% of the cost of the debt relief scheme and the balance 50% to be borne by the State Government. The Government of India also offered to provide loan to State Government to meet the 50% through National Bank Rural Development. The Government of Andhra Pradesh, therefore, decided to avail the offer of Government of India and issued G.O. Ms. No. 665, Food and Agriculture Department dated 17.10.1990 and detailed the scheme in the annexure attached to the said G.O. The scheme contains two chapters besides various proformas. Pragraph 1 of Chapter-1 deals with the date from which it comes into effect and the loans for which it applies, which reads thus:

1 (a) The scheme shall be called ''Agricultural and Rural Debt Relief Scheme, 1990''.

(b) It shall come into force with effect from 15th August 1990.

(c) It shall apply to all eligible loans of Cooperative Credit Institutions.

Paragraph 2 contains the definitions. As per Paragraph l(c), the scheme applies to eligible loans of Co-operative Credit Institutions. As per paragraph 2(e) Co-operative Credit Institution means Primary Agricultural Credit Society, Large sized multipurpose society. Co-operative Rural Bank, F.S.C.S., District Co-operative Central Bank, A.P. State Co-operative Bank and any other Cooperative Society lending to individuals for agricultural and artisan activity. As per paragraph 2(g) eligible loans means that part of the short term including converted/ rescheduled medium term loan, availed of by an individual borrower in or after 1st April, 1986 and overdue as on the effective date. A reading of paragraph 1(c) together with 2(e) and 2(g) it is clear that the loan sanctioned Syndicate Bank, for that matter any nationalized bank, for agricultural purpose does not come under the eligible loan. The Relief Scheme per se applies only to loans of co-operative credit institutions and as such a person who availed the loan from Syndicate bank is not entitled to any scheme. This was further made clear in Paragraphs 4 and 5 of Chapter-II of the Relief Scheme, which deal with identification, eligible loans, and sanction of waiver of loans as well as adjustments in the loan amounts. In view of the matter, petitioner has no right to claim relief under the Relief Scheme and is not entitled to any relief in this writ petition. The writ petition is misconceived. It is accordingly dismissed. No costs.

