(1999) 10 KAR CK 0024

In the Karnataka High Court

Case No : Writ Petition No. 28231 of 1998

Irappa Chanabasappa Mannane APPELLANT

Vs

State of Karnataka and Others RESPONDENT

Date of Decision : 11-10-1999

Acts Referred:

Citation : (2000) 1 KarLJ 187

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : Sri Ravi B. Naik, for the Appellant; Sri H.S. Surendra, High Court Government Pleader, for the Respondent

Judgement

1. The petitioner is an agriculturist. He borrowed a loan of Rs. 16,000-00 from the 2nd respondent-Bank for digging a borewell. The borewell dug by the petitioner failed. The Geologist of Bijapur submitted inspection report in this regard to the Tahsildar, Indi, vide Annexure-B1. In turn the Tahsildar passed order at Annexure-C, dated 11-6-1987 granted concession to an extent of 75% in principal and 100% interest. It is stated that the petitioner has deposited Rs. 4,000-00 towards the 25% of the loan. He claims the remaining 75% as per the Scheme called "Failed Wells Compensation Scheme" framed by the State Government vide Government Order No. RDC 234 CLS 83, dated 30-5-1984. Such being the position, the Secretary of Precard Bank Limited, Indi, has informed the petitioner that since he is a big farmer, it is not possible to waive the loan of failed well. In those circumstances the petitioner has filed this writ petition seeking to declare that he is entitled for compensation in respect of his failed borewell and to direct the respondents not to effect recovery of the loan.

2. Respondents have not filed objections to the writ petition. I have perused the Scheme at Annexure-A under which the petitioner is seeking the reliefs. Clause 3 of the said scheme in unequivocal terms stipulates that "the scheme shall be applicable to farmers in the entire State". Clause 7 provides the procedure to be followed in the matter. There is no bar created under the scheme for big farmers.

Even otherwise also, Annexure-J3 is the certificate issued by the Village Accountant to the effect that the petitioner is a small holder. It is thus clear that Annexure-L issued stating that the loan of failed borewell of the petitioner cannot be waived, is contrary to the scheme and the certificate issued by the Village Accountant.

3. Sub-clause (vi) of Clause 7 of the Scheme at Annexure-A stipulates that the compensation released shall be paid to the concerned participating Bank for the purpose of crediting the same to the borrower''s loan accounts. In the instant case all the procedures and formalities to be followed under the Scheme have been completed with and the Tahsildar has already sanctioned the compensation to the petitioner under Annexure-C. Since the certifying agency has certified the failure of the borewell and compensation has already been granted in favour of the petitioner, the same shall be adjusted towards the loan account of the petitioner.

4. Accordingly, this writ petition is allowed and the endorsement at Annexure-L is quashed. The respondents are directed to adjust the compensation amount granted in favour of the petitioner towards his loan account as stipulated in Clause 7(vi) of the Scheme at Annexure-A, as expeditiously as possible.