

**(2014) 05 P&H CK 0079**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Civil Writ Petition No. 8892 of 2014 (O&M)

Raman Singh

APPELLANT

Vs

Collector, District Hisar and Others

RESPONDENT

**Date of Decision :** 14-05-2014

**Acts Referred:**

Haryana Relief of Agricultural Indebtedness Act, 1989 — Section 2(h)

**Citation :** (2014) 05 P&H CK 0079

**Hon'ble Judges :** Sanjay Kishan Kaul, C.J.; Arun Palli, J

**Bench :** Division Bench

**Advocate :** S.S. Dalal, Advocate for the Appellant

**Final Decision :** Dismissed

## Judgement

Sanjay Kishan Kaul, C.J.—The Haryana Relief of Agricultural Indebtedness Act, 1989 (hereinafter to be referred to as "the said Act") was enacted on the guidelines of Government of India with the objective to evolve a State Policy to liquidate in stages rural indebtedness and thereby help weaker sections of the society. Towards this endeavour, a moratorium period of recovery of loans is provided at the inception and subsequently certain reliefs are granted qua interest.

2. The only reason for the petitioner, a business person running "Om Store" in Hisar, to assail the impugned order dated 17.5.2012 of the Collector, District Hisar, and that too after a period of two years is that the benefit of the Act should be extended to him. The impugned order has opined to the contrary because the petitioner does not fall within the definition of a debtor and as defined u/s 2(h) of the said Act which reads as under:

2. Definitions. - In this Act, unless the context otherwise requires,-

xxx

(h) "debtor" means an agriculturist, an agricultural labourer or a rural artisan

who owes a debt;

Explanation,- The term debtor includes an agriculturist notwithstanding he has joined service in the Armed Forces of the Union provided that his wife, children or parents or any of them are engaged in the occupations.

3. The aforesaid provision, in our view, makes it abundantly clear as to what a debtor within the meaning of the Act is, i.e., an agriculturist, agricultural labourer or rural artisan. It will not imply that a business person or for that matter any other professional or Advocate who owns agricultural land and mortgages the same would be entitled to benefit under the said Act. The explanation carves out an exception only in case of such a person who may have joined the services of the Armed Forces of the Union in the meantime provided his family is still engaged in the same profession of agriculture.

4. We are, thus, of the view that the impugned order cannot be faulted on this account.

5. Dismissed.