SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Md.JainuddIn and Others Vs. State of Jharkhand and Others

Md.JainuddIn and Others Vs. State of Jharkhand and Others

SooperKanoon Citation : sooperkanoon.com/971918

Court : Jharkhand

Decided On : Sep-17-2012

Appellant : Md.JainuddIn and Others

Respondent : State of Jharkhand and Others

Judgement :
IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P. (C) No.1610 of 2007 --- Md. Jainuddin & others --- --- --- Petitioners Versus The State of Jharkhand & others --- ---- --- Respondents --- CORAM: The Honble Mr. Justice Aparesh Kumar Singh For the Petitioners: Mr. Prakash Chandra, Advocate For the State: GP-III --- 7/ 17.09.2012 Heard learned counsel for the parties.

2. These thirteen writ petitioners have challenged the notice issued by the respondent nos. 8 to 10 for recovery of the loan amount on the basis of Kisan Credit Card (Agriculture Loan) which, according to the petitioners themselves, involves principal amount sanctioned above Rs. 10,000/- taken in the year 2000-2001 for the purpose of development of agriculture purposes and sanctioned by the Dumka Central Cooperative Bank Limited, Dumka Branch-Sahebganj. Petitioners seek waiver of the aforesaid loan in view of the policy decision of the State Government.

3. Learned counsel for the petitioners relies upon the letter dated 10.02.2006 (annexure-3) issued by the District Cooperative Officer, Sahebganj to the Managing Director, Dumka Central Cooperative Bank Ltd, Dumka and submits that the respondent District Cooperative Officer has deposited the entire amount of

liability against the loan as sought for by the Bank totaling Rs. 511.25 lakhs and Rs. 14.99 lakhs also have been deposited for complying the scheme of waiver as decided by the State Government under its policy decision i.e. Cooperative Agriculture Loan Waiver Scheme 2003.

4. Counsel for the respondents, on the other hand, by referring to the categorical statement made in paragraph-5 of the counter affidavit, submits that all these writ petitioners have taken loan beyond Rs. 10,000/- and as per the policy decision conveyed to the concerned officials including the respective banks, the loan amount up to Rs. 10,000/- as on 31.03.2003 with interest can be waived as per the policy decision of the State Government for which a sum of Rs. 89.00 crores were sanctioned to the different district cooperative banks including Dumka. Counsel for the respondents therefore submits that these petitioners do not come in the category of Cooperative Agriculture Loan Waiver Scheme 2003 as they admittedly have taken loan above Rs. 10,000/-.

5. Having heard learned counsel for the parties and having gone through the relevant materials including letter dated 10.02.2006 and the policy decision of the Government (Annexure-1), it is apparent that the Cooperative Agriculture Loan Waiver Scheme 2003 was applicable for loan up to Rs. 10,000/- + interest as on 31 st March 2003. These petitioners do not come in this category as they admittedly have taken loan beyond Rs. 10,000/- and therefore, these writ petitioners are not entitled to any relief. This court cannot interfere with the policy decision of the State on account of sympathy towards the petitioners. This writ petition is devoid of any merit and it is accordingly dismissed. (Aparesh Kumar Singh, J) Ranjeet/

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com