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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4749 of 2021

Parasram Sahu S/o Shri Panduram Sahu Aged About 70 Years Occupation Agriculture, R/o Village Nandal, P. C. No. 47, Tahsil Nawagarh, District Bemetara Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Co-Operative Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.

2 - Collector Bemetara District Bemetara Chhattisgarh.

3 - Branch Manager Jila Sahkari Kendriya Bank Maryadit, Durg Chhattisgarh District Bemetara Chhattisgarh

4 - Samiti Manager Seva Sahkari Samiti Maryadit Hathadandu, Tahsil Nawagarh District Bemetara Chhattisgarh

... Respondent(s)

For Petitioner(s)	:	Shri Syed Afaque Hussain Rizvi appears on behalf of Shri Lavkush Kumar Sahu, Advocates.
For Respondent Nos.3 & 4	:	Ms. Seema Verma appears on behalf of Shri Jitendra Shrivastava, Advocates.
For State/Res	:	Shri Siddharth Sharma, PL.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

20/04/2026

1. This Writ Petition has been filed by the petitioner seeking following reliefs:-

> *(i) That the Hon'ble Court may kindly be pleased to direct the respondent No. 4 to sanction KCC loan Rs.1.00 lakh as per entry made by them 24/2/2020 in Bhu-Adhikar and Rin-pustika, page No.26-27 (Ann.P-11).*
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> *(ii) That That the Hon'ble Court may kindly further be pleased to quash all the impugned outstanding erroneously being shown in Bhu-Adhikar and Rin-pustika, page No.20-21 (Ann.P-3), in*

impugned demand notice letter dated 1/10/2019 issued by respondent No. 4 (Ann.P-5) and the impugned letter 25/1/2020 issued by respondent No. 3 Bank (Ann.P-8), holding the same illegal and arbitrary to each other.

(iii) This Hon'ble Court be further pleased to pass any order/orders, issue any such writ or direction in favor of the petitioner as may be deemed fit under the facts and circumstances of the case alongwith cost of litigation from the respondent authorities.

2. Briefly stated facts of the case are that the petitioner is a peaceful cultivator of Village Nandal, Tahsil Nawagarh, District Bemetara (C.G.) and holds agricultural lands about 4.58 hectares. Petitioner also holds the post of Gram Patel of Village Nandal. To meet comprehensive credit requirements of the agriculture sector by giving financial support to farmers, Kisan Credit Card scheme was prepared by the National Bank for Agriculture and Rural Development (NABARD) to provide term loans for agricultural needs. Accordingly, this petitioner was being provided loans under Kisan Credit Card Scheme (KCC) from time to time by respondent No. 4 Samiti. However, after the year 2014, this petitioner has not being provided KCC loan despite so many requests to the respondent No. 4/Samiti. The petitioner submits that in the year 2013 i.e. on 31/5/2013, he took loan of Rs.3.20 lakhs under M.T.L from the respondent No. 4 Seva Sahkari Samiti Maryadit, Hathadandu and entry of the same was made in the Bhu-Adhikar & Rin Pustika at Page No.20-21. From bare perusal of page No.21-22 of aforesaid Bhu-Adhikar & Rin Pustika, it goes to prove that on 6/5/2014, Rs.36,560/-, on 16/11/2017 Rs.20,725/- and on 21/11/2017 Rs.37,200/- after the above deposit Rs.2,25,515/- was due but as per C.B. (as mentioned in Rin Pustika) Rs.1,96,415/-was due and on 24/2/2020 petitioner deposited Rs.20,000/- so, thereafter as mentioned in Rin Pustika Rs. 176,425/ is showing outstanding

against the petitioner as on 24/2/2020. The Chhattisgarh State Government has issued notification in the month of December, 2018 for Short-term Farmer Loan Waiver Scheme, 2018 directing the Cooperative bank in the State to waive-off short term loans of the farmers across the State. The Scheme also included the marginal farmers, small and big farmers and it was the responsibility of the banks to verify the authenticity of farmer loan waiver and also the farmers' list. Since the petitioner belongs to small farmer category hence after the publication and issuance of aforesaid Scheme, he did not deposit the loan in the hope that his loan amount Rs. 1,96,425/- would be waived off, as shown in Rin Pustika. All of a sudden, the respondent No. 4 Samiti issued impugned demand notice letter dated 1/10/2019 regarding outstanding Rs.4,23,000/- (showing the loan amount Rs.2,25,515/- and interest there Rs. 1,97,585/-) directing the petitioner to deposit the same in Paddy linking mentioning the last date of 15/3/2020. After receipt of aforesaid demand notice letter, the petitioner submitted a detailed letter for waiver of his mid-term loan amount describing that a mid term loan of Rs.3.20 lakh was taken by him from District Co-operative Central Bank Maryadit, Branch Nawagarh on 31/5/2013 through the respondent No. 4 Samiti which is mentioned in the Rin Pustika of petitioner. Petitioner further described that he sold paddy of Rs.80,556/ and Rs.85,560/- on 6.12.2016 and 21.11.2017 respectively, which is deposited in the society and from crop insurance amount Rs 29000/- was deposited in the Samity. In such a situation, a total of Rs 1,95,116/- has been deposited by the petitioner. After adjustment of the said amount in the mid-term loan there is a balance of Rs. 124884/-. Petitioner further stated that on the one hand the remaining loan amount is not being waived even after the order of the government to waive the loan amount of the farmers on the other a notice dated

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1/10/2019 is issued asking to deposit Rs.423100/-, which is contrary to the instructions of the government and is against the law because under the aforementioned Loan waiver scheme, he is entitled to get the benefit. The Collector (Grievance Cell) District Bemetara vide letter No.6770/Shi.Li/Kale/2020 dated 4/1/2020 issued letter to the Nodal Officer, District Co-Operative Central Bank Maryadit Durg, District Bemetara/respondent No. 3 directing him to submit factual report in the matter of complaint of petitioner regarding waiver off loan amount. The respondent No. 3 in response to the letter of Collector dated 4/1/2020 submitted vide its letter No. Noddal Office/3312 dated 25/1/2020, which is being impugned in the petition, that a medium term loan (bore pump, sprinkler, fencing) of Rs 3.20 lakh was taken by the petitioner from the District Co-operative Central Bank through respondent No.4 Samiti, which has become lapsed. Under the Government's Loan Waiver Scheme 2018, a provision has been made to waive off the outstanding short term loans of the farmers as on 30.11.2018. The principal loan of the petitioner as on date is Rs 2,25,515/. Hence, the said loan cannot be waived off. As only short term loan is remaining, therefore, the loan is not being settled by the petitioner under the government's loan waiver scheme 2018. The impugned letter dated 25/1/2020 issued by respondent No. 3 to respondent No. 2 showing outstanding Rs.2,25,515/ is filed with this petition as Annexure P/8. The petitioner submitted application dated 06/07/2020 to the Chairman, Chhattisgarh State Backward Classes Commission, Raipur for waiver of his mid-term loan also for providing KCC and also for his harassment by the respondent authorities. The respondent No. 2 Collector, in response to the letter No. 10533 dated 25.5.2020 issued by the office of Minister Public Works, Home, Jail, Religious Trust and Endowment, Culture and Tourism, issued memo, copy of which is issued to this petitioner vide No.2416 dated 28/7/2020, directing the Lead Bank Officer, Bemetara regarding waiver of medium term loan and directed the Lead Bank Manager to make investigation of the facts mentioned in the application of petitioner within 07 days and send the factual report to this office, and inform the petitioner about the action taken. The petitioner herewith submits that the relevant part of Bhu-Adhikar and Rin-pustika, page No.26-27 in which the respondent No. 4 Samiti has made entries dated 24/02/2020 regarding sanction of KCC loan of Rs.1,00,000/- (Rupees one lakh), but actually this has not been sanctioned to the petitioner for the reason best known to them. Hence this Petition.

3. Learned counsel for the petitioner submits that the petitioner took a principal loan amount of Rs.2,25,515/- from the District Cooperative Central Bank Maryadit, Durg Chhattisgarh District Bemetara, however, respondent authorities calculated interest thereof and held that an amount of Rs.4,23,100/- is outstanding against the petitioner. He submits that according to Short-term Farmer Loan Waiver Scheme 2018 Chhattisgarh (hereinafter “Scheme of 2018”), the loan amount outstanding against the petitioner is liable to be waived off.

4. On the other hand, learned counsel for Respondent Nos.3 and 4 submits that the petitioner cannot get the benefit of Scheme of 2018 which is evident from order dated 25.01.2020 (Annexure P/8) as under the said Scheme of 2018, farmers can get their outstanding loan wavied off till 30.11.2018.

5. Considering the facts and circumstances of the case, particulary the dispute raised by the parties, this Court deems it appropraite to direct the petitioner to file a representation along with relevant documents for waiver of loan amount before the respondent authorities/Bank and in turn, the concerned Bank shall consider

and decide as to whether the loan advanced to the petitioner can be waived off or not, in accordance with law bearing in mind the Scheme of 2018 which was flouted by the State Goverment in the year 2018. Ordered accordingly.

6. With the aforesaid direction, this Writ Petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash