**(2005) 2 ALD 119**

**Andhra Pradesh High Court**

**Case No:** Writ Petition No. 1941 of 1997

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| Vemula Srinivas and Others | | APPELLANT |
| | Vs | |
| Manager, Central Bank of India, Warangal Branch and Others | | RESPONDENT |

**Date of Decision:** Nov. 26, 2004

**Citation:** (2005) 2 ALD 119

**Hon'ble Judges:** P.S. Narayana, J

**Bench:** Single Bench

**Advocate:** Y. Rama Rao, for the Appellant; C.V. Rajeeva Reddy and M. Narahari, for the Respondent

**Final Decision:** Dismissed

**Judgement**

@JUDGMENTTAG-ORDER

P.S. Narayana, J.
The petitioners filed the present writ petition praying for a direction to declare the impugned action of the respondents herein in demanding huge amounts and threatening to attach the properties belonging to the petitioners at Kakkaralapalli and Ellanda Village of Waradannapeta Mandal of Warangal District contrary to the directions of the State and Central Governments and guidelines issued by the Reserve Bank of India as illegal and for further direction to the respondents not to demand the loan amount without following the guidelines issued by the State and Central Governments and for further direction to furnish statement of account and not to resort to any coercive steps to attach the properties belonging to the petitioners referred to supra, and pass such other suitable orders.

2. The case of the petitioners is that they approached the respondents who had granted certain loans. The details had been specified in the affidavit filed in support of the writ

petition. It is also stated that the Government of India framed an Agriculture and Rural Debt Relief Scheme, 1990 and the Reserve Bank of India also issued administrative guidelines for the said scheme. Apart from this aspect, several other facts had been narrated in detail and the grievance of the petitioners appears to be that these benefits had not been conferred to them and there is unreasonable threat of demand relating to the recovery of the amounts.

3. The 1st respondent filed the counter-affidavit wherein it was specifically stated that the petitioners are borrowers from the Co-operative Society and are members of the Society and as such, the dispute between the petitioners and the respondents should be referred to the Co-operative Tribunal under the A.P. Co-operative Societies Act and in view of the fact that alternative remedy is available, the writ petition is not maintainable. Apart from this aspect, several other factual aspects were specifically denied in the counter-affidavit filed by the first respondent.

4. Heard both the Counsel.

5. The learned Counsel representing the 1st respondent placed strong reliance on a decision reported in Central Bank of India Vs. Rooplal Bansal, , and would contend that this being just a commercial transaction, the writ petition is not maintainable. It is not in controversy that the petitioners are having alternative remedies. As could be seen from the facts and circumstances of the case, there cannot be any doubt whatsoever that the writ petition filed by the petitioners is not maintainable before this Court this being a loan transaction, especially in relation to a Co-operative Society and the petitioners being the borrowers from the said society and being the members of the said society.

6. In view of the same, the other merits and demerits relating to the factual details need not be adverted to since the writ petition is being dismissed as not maintainable.

7. Accordingly, the writ petition stands dismissed. No costs. At any rate, the petitioners are at liberty to invoke the other remedies available to them in law.