IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6649 of 2015

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Sunil Prasad Singh son of Late Alakhdeo Singh, resident of village- Shekhopur Dih, Police Station- Shekhopur Sarai, District- Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar through the Managing Director, State Dairy Development Authority, Patna.
2. That District Magistrate, Sheikhpura.
3. The District Dairy Development Officer, District- Sheikhpura.
4. The Chairman, Bihar Gramin Bank, Head Office, Bihat, Begusarai.
5. The Regional Manager, Bihar Gramin Bank, Lakhisarai/Sheikhpura/Jamui/Munger.
6. The Branch Manager, Bihar Gramin Bank, Sheikhopur Sarai, District- Sheikhpura.

.... Respondents

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Appearance :

For the Petitioner : Mr. Nilendu Kumar Choudhary, Advocate
For Respondent Bank: M/s. Satya Prakash Tripathy and Satya Vrat, Advocates
For State Respondent : Mr. Apurva Kumar, A.C. to G.A.11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 29-06-2015

I have heard learned counsel for the petitioner, Bihar Grmin Bank and the State.

Learned counsel for the petitioner submits that, vide Annexure-2, a loan of Rs.5,00,000/- was sanctioned to the petitioner and he was directed to furnish documents regarding ownership of land for the purpose of mortgage or sufficient National Savings Certificate or L.I.C. Policy and Fixed Deposits etc. The petitioner claims that though he had submitted all the documents to the Bank but no decision was being taken for disbursement of loan compelling him to approach this Court by filing C.W.J.C. No.3039 of 2015. This Court, while disposing of the matter vide order dated 09.03.2015, had directed the petitioner to furnish the documents which is required if certain documents were still found wanting. However, it appears from the impugned order dated 15.04.2015 that the Bihar Gramin Bank has rejected the petitioner's loan application on the ground that the National Company Certificate furnished by him are not sufficient to cover the loan amount and landed properly offered by him is not fit to be mortgaged as collateral security as per legal opinion of the lawyer of the Bank. However, no reason has been assigned therein as to why such land cannot be mortgaged.

In above view of the matter, this writ application is being disposed of with a direction to the Bank to give opportunity to the petitioner to furnish the required documents and security etc. which is required for disbursement of the loan amount. If the petitioner fulfils all the criteria then they should take a decision regarding disbursement of loan amount, however, even then, if the petitioner is not able to furnish the documents required then the required order can be passed by the Bank. The decision contained in the letter dated 15.04.2015 as contained in Annexure-8, which appears to have been taken without granting such opportunity to the petitioner to furnish the required documents and/or security appears to be in violation of the direction given by this Court vide order dated 09.03.2015 and as such the same is quashed and set aside.

Let the fresh decision be taken after granting such opportunity to the petitioner to furnish required security.

Let the entire exercise be completed within a period of two months from the date of receipt/production of a copy of this order.

This writ application stands allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

N.H./-

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