IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.465 of 1997

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Pragatishil Kishan Morcha, Chafattah, P.S. Mahua,District- Vaishali through its Secretary Sarjug Thakur son of late Ramdeo Thakur, resident of village- Madhaul, P. S. Mahua,District- Vaishali.

.... Petitioner/s

Versus

1.The State of Bihar
2. The District Magistrate, Vaishali
3. The Chairman, the Vaishali Central Co-operative Bank Ltd. Vaishali.
4. The Secretary, Department of Co-operative, Govt. of India.
5. The Joint Secretary, Department of Co-operative, Govt. of Bihar, Patna.
6. The Registrar, Co-operative Societies Bihar, Patna.
7. The Branch Manager, the Vaishali District Central Co-operative Bank at Mahua, P.S. Mahua, District- Vaishali.
8. The Block Development Officer, Mahua, P.S. Mahua, District- Vaishali.
9. Secretary Bisunpur Mohan Margi Packs, Pack No. 15, Mahua, P.S. Mahua, District- Vaishali.
10. The Regional Manager, the National Agriculture Bank for Rural Development Bihar, Mouryalock Complex, Patna.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Nityanand
For the Respondent/s : Md. Anisul Haque,A.C. to A.A.G-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-02-2015

Heard learned counsel for the petitioner and the State.

In this writ petition, the petitioner is seeking relief for issuance of a writ in the nature of mandamus or any other appropriate writ commanding the respondents to treat the loans given to the members of the Co-operative Society as having been liquidated and also a prayer has been made for restraining the respondents from taking coercive step for realization of the loan amount from the members of the Co-operative Society.

Mohan Margi is a Co-operative Society. Its members, for the purpose of agriculture purpose, took loans from Vaishali, Central Co-operative Society

Bank Limited below to the tune of Rs. 10,000/-. The loan was taken for agricultural purpose in between 1986-1989. They could not return the loan amount on account of various reasons including failure of crops consequently for two successive years. The Central Government took a policy decision to provide relief to the farmers to the extent of Rs. 10,000/- and the Central Government advised the State Government to prepare the scheme for making provision for relief to the farmer. In compliance with the direction of the Central Government, the State Government formulated a scheme in the name and style of Bihar State Agricultural and Rural Debt Relief Scheme, 1990. It has further been submitted that the members of the Committee were fully covered with the scheme. Annexure 4 series shows that the outstanding loan against them were satisfied Joint Secretary, Govt. of Bihar, issued letter no. 759, dated 17.05.1995 (Annexure 5) whereby directed to all the District Magistrates and all Deputy Development Commissioners to recover the loans amount from the concerned farmers. In the said letter it has been mentioned that recovery of the loans from 2.10.1985 to 2.10.1989 was stayed but not liquidated.

Learned counsel for the petitioner submits that even the State Government have taken a decision for granting remission upto Rs. 10,000/- so much so that Annexure 4 series show that the rest amount having been liquidated, the question of recovery does not arise from the petitioner.

Learned counsel for the State submits that after issuance of such letter, the Government has not taken any further steps for recovery of the said loan amount and as such the question does not arise for filing the present writ petition.

Counsel for the petitioner in reply produced some documents which are not part of the writ petition and so much so Co-operative Bank has not filed any counter affidavit that the petitioner is required to return the rest amount of the loan. In such view of the matter, as the Government has not taken any further steps for recovery of the loan amount nor any proceeding is pending against them, it would not be proper for this court to pass any positive order in this case.

After lapse of such a long time where no action has been taken by the Co-operative Bank, it will not be proper for this Court to grant any relief without any cause. If in future, any demand is made by the Co-operative Society, the petitioner will have liberty to raise the point before appropriate forum.

With the aforesaid observation and direction, this writ petition stands disposed of.

(Shivaji Pandey, J)

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