

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13038 of 2009

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Tripurari Prasad Singh, son of late Uchit Narayan Singh, resident of village
Dhapri, P.O. Gobadda, P.S. Haveli Kharagpur, District Munger
..... Petitioner

Versus

1. The Chairman Cum M.D.,UCO Bank 10, B.T.M. Sarani, Kolkata-700001
 2. The Assistant General Manager, UCO Bank Zonal Office Central Jail Road, Tilkamanjhi Bhagalpur
 3. The Manager, UCO Bank, Gangania Branch, District Bhagalpur
..... Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Samir Kumar Sinha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 30-01-2015 Heard learned counsel for the petitioner as with regard to
the following relief prayed in this writ application:

“(i) That an appropriate writ in the nature of writ of mandamus may be issued commanding upon the respondents to exempt the petitioner from agricultural debt (Agricultural loan amount including interest thereon) in the light of Govt. Scheme of 2008 as well as in the light of Bank’s circular after considering the fact that the petitioner having less than five acres of land and comes under the purview of small and marginal farmer.”

Learned counsel for the petitioner submits that though the petitioner having taken the agriculture loan from respondent no.3 was entitled for certain exemption under the policy framed by the Govt. of India in the year 2008, benefit of such exemption has not been given to him.

This Court finds it difficult to decide the question for more

than one reason. Firstly, the petitioner has himself not annexed the Scheme laying down the provisions for exemption. Secondly, the petitioner does even not say as to how much he had paid and as to whether he had been eligible by virtue of the Government decision defining the marginal farmer. The case of the petitioner in the writ application seems to be that though his family may have more than five acres of land, the petitioner in his individual name had only 1.78 acres of land. All these are the matters of details and in fact for that the petitioner had to first prove his case that he was eligible for grant of such exemption. That being not done by the petitioner this Court would find it difficult to issue any direction to respondent no.3 to grant exemption/waiver of loan.

Nonetheless as the petitioner has remained waiting for disposal of this writ application and the respondent no.3 also despite service of notice has not appeared, it would give liberty to the petitioner to approach the competent authority of UCO Bank to examine the grievance of the petitioner and take an appropriate decision in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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