

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.677 of 2011

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Rajiv Ranjan Singh S/O Narmadeshwar Prasad Singh, R/O Village -
Baranda, P.O. - Baluganj, P.S. - Dhibra, Distt. Aurangabad, Bihar
..... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar
2. The General Manager, State Bank of India, Main Branch, Patna
3. The Branch Manager, State Bank of India, Aurangabad
4. The Complain Disposal Officer, State Bank of India, Main Branch,
Patna

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Respondent No.1 : Mr. Ghanshyam Sharma, AC to GA-7

For the Respondent No.2 to 4: Mr. Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 08-05-2015 Heard the parties.

The grievance/claim of the petitioner in the present writ petition is that he is a small farmer having only 2.70 acres of land and is entitled for waiver of loan amount under the provisions of Agriculture Debt Waiver and Debt Relief Scheme, 2008, as contained in Annexure-3 to the supplementary affidavit filed on behalf of the petitioner as also Annexure-A to the counter-affidavit filed on behalf of the respondent State Bank of India, yet he is being denied such benefits by the respondent nos. 3 and 4.

Though a counter-affidavit has been filed on behalf of the State Bank of India, but nowhere it has been stated that the claims raised on behalf of the petitioner for grant of such benefits was ever considered by the competent authority of the Bank. However, the claim raised on behalf of the petitioner has been tried to be contested by the State Bank of India.

This Court is of the considered opinion that the issues of facts raised on behalf of the parties are required to be gone into

and decided by the statutory authorities at the first instance and only thereafter powers of judicial review under Article 226 of the Constitution of India may be invoked for redressal of valid surviving claims/ grievances.

In above view of the matter, since some disputed question of facts are raised in the present proceeding regarding entitlement of the petitioner of the benefits under the aforesaid scheme, this Court is of the opinion that instead of deciding the disputed questions of fact here in the present proceeding, the interest of justice shall be sub-served if the petitioner is granted liberty to file a comprehensive representation with all supporting documents raising all the pleas, which have been raised in the present proceeding, before the respondent no.3- the Branch Manager, State Bank of India, Aurangabad. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent No.3 either himself or any other competent authority of the State Bank of India shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of such representation.

If on consideration of the materials the competent authority of the State Bank of India comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits

of the claims raised on behalf of the petitioner in the present writ petition at this stage and it is left to be decided by the competent authority of the State Bank of India strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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