

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 13 of 2016

1. Sau Gaon Mahajan Mukti Samooh Sangh Rajpur Through Its President Kashtu Uraon S/o Nohar Sai Uraon, Aged About 52 Years, R/o Village Dakwa, P.S. & Tahsil Rajpur Revenue District Balrampur Ramanujganj Chhattisgarh
2. Gopal Sahu, S/o Late Shri Tulsi Sahu, Aged About 50 Years Secretary Janhit Sewa Kendra, R/o Village Sinchoura, P.S. & Tahsil Rajpur Revenue District Balrampur- Ramanujganj, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department Mantralaya Mahanadi Bhawan, Capital Complex New Raipur, District Raipur Chhattisgarh
2. Collector, Balrampur, District Balrampur - Ramanujganj, Chhattisgarh
3. Chhattisgarh Rajya Gramin Bank, Through Its Chairman Chhattisgarh Rajya Gramin Bank Head Office Ambikapur, District Surguja Chhattisgarh
4. Chhattisgarh Rajya Gramin Bank, Through Recovery Officer Balrampur, District Balrampur Ramanujganj Chhattisgarh
5. Branch Manager, Chhattisgarh Rajya Gramin Bank , Branch Rajpur, District Balrampur Ramanujganj, Chhattisgarh
6. Branch Manager, Chhattisgarh Rajya Grmain Bank, Branch Bario, District Balrampur Ramanujganj, Chhattisgarh
7. Branch Manager, Chhattisgarh Rajya Gramin Bank Branch Deepadih, District Balrampur Ramanujganj, Chhattisgarh
8. Branch Manager , Chhattisgarh Rajya Gramin Bank Branch Rehra, District Balrampur Ramanujganj, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Sunil Sahu, Advocate
For State/Respondent	:	Mr. J.K. Gilda, Advocate General and
Nos.1 & 2		Mr. A.S. Kachhawaha, Addl. Advocate General
For Respondent Nos. 3 to 8:		Mr. N. Naha Roy, Advocate

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board By Justice Pritinker Diwaker

10/03/2016

1. This petition has been filed by Sau Gaon Mahajan Mukti Samooh Sangh, Rajpur styled as Public Interest Litigation claiming that about 300 groups of farmers have obtained loans from Respondent Nos. 3 to 8 (Banks) and though as per policy of 2008 the entire loan has been waived, but the Banks are recovering the said amount from the farmers.

2. Learned counsel appearing for the respondents submit that in one group there are more than 10 farmers and there must be about 3000 farmers who have taken the loan and if they are aggrieved in any manner, then they can approach the competent authority or the Court individually and thus PIL is not maintainable. It has been further pointed out by the respondents that even the loan details have not been given as to for what purpose it was taken and whether the same is required to be waived or not and in absence of such specific loan details no direction can be issued. It has been further argued that till date it is not clear that whether the affected persons have filed any representation to the competent authority and unless they raised their demand, no mandamus can be issued.
3. We have heard learned counsel for the parties and perused the petition.
4. This petition has been filed by Sau Gaon Mahajan Mukti Samooh Sangh, Rajpur and if any adverse order is passed against the petitioner, rights of 3000 farmers, who have not approached any competent authority, may be adversely affected. The best course for the farmers would be to approach the competent authority for redressal of their grievances and the authority competent to consider each case individually on its own merit.
5. In the instant petition, no loan details to individual farmers have been given and it has also not been made clear as to under what scheme the loan was granted to them. Number of factual disputes are involved in this case and thus, we find it difficult to grant any relief as prayed by the petitioners.
6. We are of the considered view that the petition in its present form as PIL is not maintainable, the same is accordingly dismissed.

7. The security amount, if any, may be refunded back to the petitioners.

Sd/-
(Pritinker Diwaker)
JUDGE

Sd/-
(I.S. Uboweja)
JUDGE

Chandra