

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11498 of 2017

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1. Dhurni Devi Wife of Sataru Rishi
 2. Munika Devi Wife of Bokay Rishi
 3. Salli Devi @ Shalli Devi Wife of Dukha Rishi
 4. Indra Dev Wife of Rishi
 5. Munia Devi Wife of Mant Lal Rishi
 6. Domni Devi Wife of Suresh Rishi
 7. Bofiya Devi Wife of Chhetu Rishi
 8. Tehiya Devi Wife of Janardan Rishi
 9. Avri wife of Barati Rishi
 10. Chanani Devi @ chanchi Devi wife of Jitan Rishi
 11. Lakhiya Devi wife of Narayan Rishi
 12. Dukhani Devi Wife of Manglu Rishi
 13. Naresh Rishi Wife of Bihdeshwary Rishi
 14. Tetari Devi wife of Jay Prakash Rishi
 15. Soliya Devi wife of Phooleshwar Rishi
 16. Jitni Devi Wife of Baeshwar Rishi
 17. Kali Devi @ Kaili Devi Wife of Ramesh Rishi
 18. Phekni Devi Wife of Sanjay Rishi
 19. Dharni Devi Wife of Khokhcha Rishi @ Khokhay Rishi
 20. Chanvatia Devi Wife of Pharuk Rishi
 21. Dashrath Rishi Son of Chhote Rishi @ Chhole Rishi
 22. Mosmat Khudia Devi Wife of Ramlakhan @ Ram Khelam Rishi
 23. Tasina Devi Wife of Nepali Rishi
 24. Mushia Devi Wife of Kalanand Rishi
 25. Dhania Devi Wife of Jagdish Rishi
 26. Premlata Devi Wife of Dharmu Rishi
 - Petitioner nos. 1 to 26 is R/o Village Mahesh Batta.
 27. Shanichar Bosak son of Kalu Basak.
 28. Most. Parvati Devi Wife of Late Baban Lal Bosak
 - Petitioner no. 27 & 28 is residents of Village- Bairia.
 29. Manoj Bosak Son of Gauray Bosak @ Gauraug Bosak
 30. Mosmat Donani Wife of late Tone Lal Bosak
 31. Barni Devi wife of Bhulakha Bosak
 32. Mosmat Vilasi Wife of late Ganesh Bosak
 33. Mosmat mahagni Wife of late Ram Prasad Bosak
 34. Saraswati Devi Wife of Bhola Bosak @ Bholu Bosak
 35. Senhu Bosak Wife of Rogan Lal Bosak
 36. Manuka Devi Wife of Suren Bosak
 37. Chandi Devi @ Chand Devid Wife of Lakhsman Bosak
 38. Begum Devi wife of Sharwan Bosak
 39. Saiya Devi wife of Jagdish Bosak
 40. Usha Devi Wife of Kamal Deo Bosak
 41. Pano Devi wife of Sojaira @ Sojchara Devi
 42. Shanker Bosak Son of Saheb Lal Bosak
 - Petitioners No. 29 to 42 are residents of Village- Bairia,
 - All are P.O. - Kanharia, P.S. Kanharia, District- Purnea.

.... Petitioner/s



Versus

1. The Chairman of N A B A R D, Bihar Region , Patna.
2. The Managing Director of Uttar Bihar Gramin Bank, Patna.
3. The Chairman of Uttar Bihar Gramin Bank, Patna.
4. The regional Manager, Uttar Bihar Gramin Bank, Muzaffarpur Division, Purnea.
5. The Branch Manager, Uttar Bihar Gramin Bank, Kanharia Branch, Baisi, District- Purnea.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Bank : Mr. Prabhakar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 03-11-2017

Heard learned counsel for the petitioners and counsel for the Bank.

In the present case, the petitioners are seeking waiver of payment of loan amount along with interest claiming that they are illiterate, belong to below the poverty line and hardly manages two means a day for themselves and their family members by doing vegetable farming and, thus, they are incapable of making payment of loan amount.

Earlier the petitioners have approached this Court in C.W.J.C. No. 11272 of 2016 taking a plea that they have taken agricultural loan and in terms of the scheme, it requires grant of waiver of realization of the amount along with interest and this Court vide order dated 17.4.2017 directed to consider the individual cases one by one, if they are covered by Agricultural Debt Waiver and Debt



Relief's Scheme, 2008, claiming to be marginalized farmers, then the benefit should be extended. The case of all the petitioners were considered, they have been already informed through letter dated 5.6.2017 (Annexure-4 Series) attaching the list of persons and the nature of job, they were doing. From the list, it reflects the majorities of the petitioners are either vendors of fish or vegetables. From the aforesaid letter, it also appears they have already been given the benefit of subsidy for Rs. 10,000/- each. When they have already been given subsidy, now there is no question of giving subsidy again. The list attached does not show that they were the agriculturist rather all the persons are engaged in business of vending fish and vegetable.

In view of the above, this Court does not find any merit in the present writ application. This application is, accordingly, dismissed. If the petitioners, however, approach to the Bank for some installment, the Bank will consider their financial condition and will take decision in accordance with law only with regard to granting benefit of installments only.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.11.2017
Transmission Date	NA

