

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11272 of 2016

- =====
1. Dhurni Devi, Wife of Sataru Rishi,
 2. Munika Devi, Wife of Bokay Rishi
 3. Salli Devi, Wife of Dukha Rishi
 4. Indra Devi, 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, Wife of Jitan Rishi.
 11. Lakhiya Devi, Wife of Narayan Rishi.
 12. Dukhani Devi, Wife of Manglu Rishi.
 13. Naresh Rishi, wife of Bindeshwary Rishi.
 14. Tetari Devi, Wife of Jay Prakash Rishi.
 15. Soliya Devi, wife of Phooleshwar Rishi.
 16. Jitni Devi, wife of Baleshwar Rishi
 17. Kali Devi, Wife of Ramesh Rishi.
 18. Phekni Devi, wife of Sanjay Rishi.
 19. Dharni Devi, Wife of Khokhcha Rishi.
 20. Chanvatia Devi, Wife of Pharuk Rishi
 21. Dashrath Rishi, son of Chhote Rishi. null
 22. Mosmat Khudia Devi, Wife of RamLakhan 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
 27. Shanichar Bosak, son of Kalu Bosak
 28. Most Parvati Devi, wife of Baban Lal Bosak, petitioner no. 1 to 28 are resident of village-Mahesh Nonta, Post Kanharia, P.S. Kanharai, District- Purnea.
 29. Manoj Bosak, Son of Gauray Bosak
 30. Mosmat Donani, wife of Tone Lal Bosak
 31. Barni Devi, Wife of Bhulakha Bosak
 32. Mosmat Vilasi, wife of Late Ganesh Bosak.
 33. Most Mahagni, Wife of Late Ram Prasad Bosak.
 34. Saraswati Devi, Wife of Bhola Bosak.
 35. Senhu Bosak, Wife of Rogan Lal Bosak.
 36. Manuka Devi, Wife of Suren Bosak
 37. Chandi Devi, 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 Bosak
 42. Shanker Bosak, son of Saheb Lal Bosak, petitioner no. 29 to 42 are resident of Village- Purnea, Post Kanharia, P.S- Kanharia. District- Purnea.

.... Petitioners

Versus



1. The Chairman of NABARD , 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, Muzafferpur Division, Purnia.
5. The Branch Manager, Uttar Bihar Gramin Bank, Kanharua Branch, Baisi, District Purnia.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Adv.

For the Respondent/s : Mr. Prabhakar Jha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-04-2017

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

2. In the present case, the petitioners are seeking relief of granting exemption for recovery of the loan amount, which has now arrived to Rs.96,599/- as all the petitioners have taken agricultural loan of Rs.40,000/- each. The petitioners are claiming this benefit under the Agricultural Debt Waiver and Debt Relief's Scheme, 2008 floated by the Central Government, whereby the agricultural loan upto Rs.40,000/- has been exempted from realization.

3. Admittedly, all the petitioners have taken loan and they are claiming waiver of the entire amount including the interest accrued on the principal amount. After long lapse of time, the Bank is taking coercive action for return of the principal amount along



with interest without giving benefit of waiver of realizing the amount, which has been taken as agricultural loan.

4. Learned counsel for the petitioners submits that the Bank knowing very well that the Government of India has already floated the Scheme, but the petitioners having been denied the benefit of waiver of realization of the said amount. He further submits that other similarly situated persons have already been given the benefit of waiver under the aforesaid Scheme, 2008, so the petitioners who are the marginalize farmers are also entitled for the same benefit.

5. Learned counsel for the South Bihar Power Distribution Company submits that if the scheme is still prevalent and the petitioner are covered under that scheme, then certainly they are entitled to receive the benefit in accordance with law after examining the individual cases of the petitioner.

6. In such view of the matter, this Court refers the matter to the Regional Manager, Uttar Bihar Gramin Bank, Purnea. The petitioners are directed to approach before the Regional Manager, Uttar Bihar Gramin Bank, Purnea along with the order of this Court, who will be obliged to examine the individual cases of the



petitioners on its merit and if it is found that the petitioners are covered under the Agricultural Debt Waiver and Debt Relief's Scheme, 2008, the benefit would also be extended to them. If the Regional Manager finds unable to extend the said benefit to the petitioners, in that circumstance, he must pass reasoned order assigning the reason for debarring these petitioners for the said benefit.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	19.04.2017
Transmission Date	N/A.

