

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1072 of 2018

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Brij Nandan Pathak, S/o Vidya Nandan Pathak, resident of 93 Laxman Sahay Lane, Gurudwara Road, P.O.- Gaya, R.S., Distt.- Gaya.

.... Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Finance, New Delhi.
2. The Secretary, Ministry of Finance, Union of India, New Delhi.
3. Secretary, Banking and Insurance Division, Ministry of Finance.
4. The Reserve Bank of India through its Governor, Bombay.
5. The Governor, Reserve Bank of India, Bombay.
6. The Assistant General Manager, Reserve Bank of India, Patna.
7. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
8. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
9. The State Bank of India through its Chief General Manager, Patna Circle, Local Head Office, Gandhi Maidan, Patna.
10. The Chief General Manager, State Bank of India, Patna Circle, Local Head Office, Gandhi Maidan, Patna.
11. The Punjab National Bank through its Chief Zonal Manager, Zonal Office, R Block Roundabout, Patna.
12. The Chief Zonal Manager, Punjab National Bank, Zonal Office, R Block Roundabout, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar

For the State : Ms. Prachi Pallavi, AC to AG

For the P N B : Mr. Kumar Priya Ranjan, Mr. Niraj Kumar

For the RBI ; Mr. K K Jha

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 31-01-2018



This petition in public interest under Article 226 of the Constitution has been filed and the following relief claimed reads as under :-

- i. *Whether the action of the respondents authorities is justified in view of the fact that they are not properly looking into the situation where a lot of coins worth of Rs.25,000 crores have piled up in the market and commercial banks are not taking it back from the common masses?*
- ii. *Whether the action of the respondent authorities is further justified in view of the fact that after demonetization on 8th November, 2016 the commercial banks have released huge amount of coins in the market but after improvement of situation they are reluctant to take it back?*
- iii. *Whether the action of the respondents authorities is further justified in view of the fact that due to paucity of space and staff the commercial banks are not taking coins back from the consumers?*
- iv. *Whether the action of the respondent authorities is further justified in view of the fact that due to abundance of coins in the market it has become very difficult for the small traders to do business and their business have been badly affected.*
- v. *Whether the action of the respondent authorities is further justified in view of the fact that in spite of direction by the Reserve Bank of India to all the commercial banks and private banks the situation has not improved and banks are returning the customers on one pretext or the other?*
- vi. *Whether the action of the respondent authorities is otherwise just and legal?*

The aforesaid relief pertains to policy decision and



executive and administrative action to be taken by the Reserve Bank of India and Commercial Banks. It is not governed by any statutory provision, rule or regulation which can be enforced or implemented by this Court in a writ petition. It is purely an administrative function of the respondents coming within the purview of the policy making power of the authorities and, therefore, we are not inclined to interfere into the matter exercising our extra-ordinary prerogative writ jurisdiction under Article 226 of the Constitution.

Petitioner is advised to take up the issue with the Reserve Bank of India or the Govt. of India or it would be appropriate to take such steps as may be available in law. For the present, we are not inclined to interfere into the matter.

The writ petition is accordingly disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr1./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.02.2018
Transmission Date	

