

CWP-1300-2018

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1300-2018

Date of Decision: January 22, 2018

Balraj Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Chanchal K.Singla, Advocate for the petitioner.

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SURYA KANT, J.

The petitioner availed loan of ₹2.37 lacs for the purchase of a tractor from respondent No.6-Oriental Bank of Commerce, Branch Office Bahmna, Tehsil Samana, District Patiala, way back in the year 2000. Till date he has not cleared the loan account. After the 'Agricultural Debt Waiver and Debt Relief Scheme' was notified by Central Government in the year 2008, the petitioner started claiming its benefit and asked the Bank to settle its account under the said Scheme. The petitioner served the Bank with a Legal Notice which has been replied on 19.05.2017 informing him that he is not entitled to benefit of 2008 Scheme as he does not fall within the definition of 'Small Farmer'. It is averred in the reply to the Legal Notice that the petitioner had disclosed at the time of taking loan that he is owner of

[2] On the other hand, the petitioner claims that while applying for loan he had disclosed his ownership in respect of land measuring 31K 6M only and that he does not own any other land in addition to that.

[3] Since the issue raised by the petitioner is essentially a question of fact, the instant writ petition is disposed of without expressing any views on merits with a direction to respondent No.6-Bank to hold a fact finding enquiry and if need be, to get the revenue records verified, to determine as to how much land the petitioner owned at the time when he applied for loan. If it is found that petitioner is entitled to the benefit of above-stated Scheme, let his loan account be considered for settlement under the said Scheme within a period of three months from the date of receipt of a certified copy of this order.

**(SURYA KANT)
JUDGE**

January 22, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |