

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1813 of 2017
In
Civil Writ Jurisdiction Case No.11498 of 2017

1. Dhurni Devi Wife of Sataru Rishi
2. Munika Devi Wife of Bokay Rishi
3. Salli Devi @ Jhalli Devi Wife of Dukha Rishi
4. Indra Devi Wife of Rishi @ Ramu Rishi
5. Munia Devi Wife of Mant Lal Rishi
6. Domni Devi Wife of Suresh Rishi
7. Bofiya Devi @ Bafia Devi Wife of Chhetu Rishi
8. Tehiya Devi @ Tilia 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 Baleshwar 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 no. 1 to 26 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 and 28 are resident 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 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 Basak @ Sojchara Basak
 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.

... .. Petitioners/Appellants

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.

... .. Respondents/Respondents

Appearance :

For the Appellant :	Mr.Rajnish Kumar, Advocate
For the Respondent/Bank:	Mr.Prabhakar Jha, Advocate
	Mr. Amitesh Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 03-12-2019

Heard learned counsel for the appellants and
learned counsel for Uattar Bihar Gramin Bank.

2. This appeal under clause 10 of the Letters



Patent has been filed by the appellants assailing the order dated 03.11.2017 passed by learned Single Judge in CWJC No.11498 of 2017.

3. In CWJC No.11498 of 2017, the appellants were the petitioners. They had filed the said writ petition seeking following reliefs:-

“(i) For quashing the communication/ order dated 05.06.2017 issued by respondent no.4, whereby in response to earlier order passed by this Hon’ble Court in CWJC No.11272 of 2016, has passed order rejecting claim of petitioners to get benefit under scheme of Agriculture Debit Waiver and Debt Relief’s Scheme 2008 launched by Central Government.

(ii) For further to quash notices dated 07.06.2016 (annexure-1 series) issued by respondent no.5, the Branch Manager of Uttar Bihar Gramin Bank, Kanharia Branch, Purnia for recovery of loan amount with interest of Rs.96,599/- against the principal amount of Rs.40,000/- given to the petitioners for the agricultural purposes, without extending benefits of provision of scheme namely “Agriculture Debt Waiver and Debt Relief’s Scheme 2008” of Central Government where by the agricultural loan amount were directed to be waived.



(iii) For further direction upon the respondents to waive the debt/loan amount of petitioners under scheme of Agricultural Debt Waiver and Debt Relief's Scheme 2008 of Central Government and during pendency of this writ petition stay the operation of impugned notices dated 07.06.2016 contained in Annexure-1 series.”

4. Having heard the parties, vide impugned judgment dated 03.11.2017, the learned Single Judge dismissed the writ petition finding no merit in the application.

5. The contention of the appellants is that the learned Single Judge failed to appreciate that agricultural loan of the appellants was waived under Agriculture Debit Waiver and Debt Relief Scheme, 2008 of the Central Government. Their further contention is that the learned Single Judge also failed to consider that the appellants are illiterate persons and marginal farmers, who used to cultivate land of other land holders.

6. On the other hand, learned counsel appearing for the respondent Bank has submitted that the appellants are vendors of fish or vegetables. They were not granted agricultural debt. They all were granted loan of Rs.40,000/- each after scrutinizing their loan applications, documents and other factors for selling vegetables or fish. Under the scheme in which



loan was advanced to the appellants, they were extended a subsidy of Rs.10,000/- each. He has further contended that the benefit of Agriculture Debit Waiver and Debt Relief Scheme, 2008 was available to the farmers only if it was an agricultural loan. Since all the appellants were not eligible to get any benefit under Agriculture Debit Waiver and Debt Relief Scheme, 2008, they were not granted any benefit under that scheme. He has contended that having regard to the facts and circumstances of the case, learned Single Judge has rightly dismissed the writ petition filed by the appellants.

7. We have heard the parties and perused the materials on record.

8. It would be evident from the record that no chit of paper was filed by the appellants in order to show that they were entitled to waiver of loan under Agriculture Debit Waiver and Debt Relief Scheme, 2008 of the Central Government whereby agricultural loan amount to certain extent was directed to be waived.

9. In case, the appellants were not covered under Agriculture Debit Waiver and Debt Relief Scheme, 2008, no mandamus could have been granted in their favour for waiving loan amount or its interest taken by them. We are of the



opinion that the learned Single Judge has rightly rejected the writ petition filed by the appellants finding the same to be meritless.

10. The appeal, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

(Prakash Chandra Jaiswal, J)

kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2019
Transmission Date	NA

