

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1998 of 2016

Smt. Ruksana Begum W/o Shri Salim Khan, Aged About 30 Years R/o Ward No. 50, Ashok Nagar, Near Water Tank, Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.

--- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Scheduled Tribe, Scheduled Caste, Other Backward Castes and Minority Development Department, Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh, Chhattisgarh
2. Chhattisgarh Rajya Antyavasai Sahakari Vitta Evum Vikas Nigam Ltd. A Government of Chhattisgarh Undertaking, through its Secretary, Registered Office At B-9, Sector 5, Devendra Nagar, Raipur, District Raipur, Chhattisgarh,
3. Managing Director, Chhattisgarh Rajya Antyavasai Sahakari Vitta Evum Vikas Nigam Ltd., Registered Office At B-9, Sector 5, Devendra Nagar, Raipur, District Raipur, Chhattisgarh.
4. Chairman, Zila Antyavasai Sahakari Vikas Samiti Maryadit, Old Composite Building, Nehru Chowk, Bilaspur, , District : Bilaspur, Chhattisgarh
5. Chief Executive Officer, Zila Antyavasai Sahakari Vikas Samiti Maryadit, Old Composite Building, Nehru Chowk, Bilaspur, District : Bilaspur, Chhattisgarh
6. Collector, Bilaspur, Collectorate Building, Nehru Chowk, Bilaspur, District Bilaspur, Chhattisgarh
7. Superintendent of Police, Bilaspur Range, Bilaspur, District Bilaspur, Chhattisgarh.
8. Station House Officer, P.S. Civil Line, Bilaspur, District Bilaspur, Chhattisgarh,

--- Respondents

For the petitioner	:	Mr. Amrito Das, Advocate.
For Respondent No. 2 & 3	:	Mr. Shashank Thakur, Advocate
For Respondent No.4 & 5	:	Mr. Manoj Paranjpe, Advocate
For the interveners	:	Mr. Ajay Kumbhrani on behalf of Mrs. Nausina Ali, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.05.2019

1. The question raised in this petition is primarily with respect to the agony to a citizen who was served with notice of demand in lieu of alleged loan availed by the *Zila Antyavasi Sahkari Vikas Samiti Maryadit*. It is stated that the petitioner never availed any loan at any point of time and she came to know about the loan outstanding against her name only as and when she was served with notice and reminder asking her to liquidate the loan.
2. The facts as have been pleaded would show that *Zila Antyavasi Sahkari Vikas Samityi Maryadit* which grants loan to the grass root people so as to settle down in their life. Pursuant thereto, it grants loan to the people at large and one of the loan was stated to have been sanctioned to the petitioner Smt. Ruksana Begum who was said to have availed for a sewing machine of Rs.50,000/-.
3. The petitioner contended that she had not availed any loan, but the facts came to fore that as and when she received a notice the loan was recalled. It is further stated that after the notice, the relevant documents have been obtained under the Right to Information Act which would show that the officers of the *Zila Antyavasi Sahkari Vikas Samiti Maryadit* in connivance with some of the touts have got loan sanctioned in the name of the petitioners on the basis of fabricated certificates i.e., the residence certificate, income tax certificate and even the ration card. It is further stated that after the enquiry was made, the FIR to this effect was lodged but nothing transpired thereafter, as such, the detailed enquiry may be directed to be conducted.

4. In reply filed on behalf of Zila Antyavasi Sahkari Vikas Samiti Maryadit, respondents 4 & 5, it is stated that after receipt of the complaint by the petitioner, a detailed in-house enquiry was conducted and copy of the enquiry report is enclosed which shows that in the name of Smt. Ruksana Begum forged loan papers were prepared, forged sureties were produced and forged account was also opened in the Bank of Maharashtra and the amount was siphoned off. Certain names of the officers were also disclosed and according to the internal enquiry, they were found to be prima facie liable.
5. Reply of the State would show that the FIR has been registered under Crime No.668/2016 on 26.10.2016. The FIR has been registered against unknown person. Perused the documents filed along-with the petition wherein the petitioner has alleged that loan papers were forged, signature were forged. The certificates of domicile and income even the ration cards were forged, photographs also do not belong to the petitioner as alleged. In the reply of respondents 4 & 5 which conducted the enquiry it shows that after the enquiry it was found that forged loan was sanctioned in the name of petitioner and on the basis of forged documents, the amount was withdrawn. The reply of the State shows that the FIR though was registered in the year 2016 but the same is against the unknown person.
6. Be that as it may, prima facie primary complaint is that the petitioner has not availed the loan and on the basis of forged documents, the loan was obtained in her name. Subsequently, when the notice was served, all the facts came to the surface. The enquiry report which is

filed along-with the reply of respondents 4 & 5 also fortifies the fact and supports the contention of the petitioner that on the basis of forged documents, the loan was sanctioned and availed in the name of petitioner and the amount was siphoned off on forged account maintained in Bank of Maharashtra. Therefore, it shows that forgery was committed by some person and involvement of the Bank officials cannot also be ruled out. At this stage, it is still a matter of investigation. Though the police appears to have registered the case but the reply do not show that the investigation has been concluded so far.

7. In the circumstances, it is directed that no recovery shall be made from the petitioner in lieu of the alleged loan which was granted to her as *prima facie* according to respondents 4 & 5 itself the loan was granted on the basis of forged documents. The police is further directed to complete the investigation and proceed according to law within a further period of 3 months from today.
8. With the above observations/direction, this writ petition stands finally disposed of.

Sd/-
GOUTAM BHADURI
JUDGE