

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16048 of 2021

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1. Smt. Sumera Devi, Wife of Shri Prabhu Nath Singh, Proprietor of Maa Paper Udyog, Village-Lakshmipur, P.O.-Siwan, P.S.-Hussaingang, District-Siwan 841 226.
 2. Shri Prabhu Nath Singh, Son of Late Nag Narayan Singh, Village-Lakshmipur, P.O.-Siwan, P.S.-Hussaingang, District-Siwan 841 226.

... .. Petitioner/s

Versus

1. Khadi and Village Industry Commission, Government of India.
2. Regional Manager, Uttar Bihar Gramin Bank, Rajwanshi Nagar, At and P.O.-Siwan, District-Siwan 841 226.
3. Branch Manager, Siwan Kshetriya Gramin Bank, Chhapiya-Bujurg Branch, P.O.-Chhapiya, District-Siwan 841 226.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mritunjay Kumar Singh, Advocate
For the Respondent/s	:	Mr.Dr. K. N. Singh, ASG
		Ms. Punam Kumari Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 21-01-2022

Petitioner has prayed for the following relief(s):

“(i) Issuance of direction(s), order(s) or writ(s) upon Respondent no.1, Khadi and Village Industry Commission (hereinafter referred as the Commission) to immediately release the Margin Money/Subsidy of (Rs.02,98,583/-) Rupees Two Lakh, Ninety Eight Thousand, Five Hundred and Eighty Three with the



rate of interest since 01.04.2006 being charged by Respondent no.3, Siwan Kshetriya Gramin Bank in favour of petitioner no.1 (hereinafter referred to as the borrower) who was provided composite loan by it.

(ii) Issuance of direction (s), order (s) or writ (s) upon Respondent No.3. Siwan Kshetriya Gramin Bank, Chhapiya-Bujurg Branch. Siwan (hereinafter referred as the loaning bank) to immediately release the 02 title deeds of Petitioner No. 2 (husband of the borrower) which has illegally been retained as collateral securities under the Margin Money Scheme of (K.V.I.C.) Khadi and Village Industry Commission; for grant of composite loan to the borrower.”

Facts, as are emanating from the pleadings itself, indicate that the instant petition is barred by delay and laches. The loan was taken from the respondent Bank, namely Uttar Bihar Gramin Bank, Rejwanshi Nagar, At & P.O.- Siwan in the year 2004 and subsidy was to be realized by the Respondent No. 2 in the financial year 2005-2006.

There is nothing on record to show that petitioner has been pursuing his remedies with the Respondent No. 1 for release of the amount. It is only in the year 2018 when the Respondent No. 2 bank initiated proceedings for recovery of the amount that the petitioner has now filed the instant petition praying for the relief(s) reproduced supra.

Insofar as relief No.1 is concerned, as we have already observed, the present petition is barred by delay and laches.



It is stated that the proceedings initiated by the bank before the Debt Recovery Tribunal has attained finality.

Well, it is open for the petitioner to lay challenge to the order passed by the said authority before the appropriate forum in accordance with law.

Petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

AFR/NAFR	
CAV DATE	
Uploading Date	24.01.2022
Transmission Date	

