

13.06.22
Sl-28
Ct.32
(S.R.)

FMA No.1817 of 2018
with
IA No: CAN 1 of 2017 (Old No: CAN 11811 of 2017)
Manaranjan Mallick
v.
Union of India & Ors.

Ms. Pampa Dey (Dhabal) ... for the appellant.

The present appeal has been preferred challenging an order dated 1st November, 2017 passed in W.P. No.26312 (W) of 2017.

Ms. Dey (Dhabal), learned advocate appearing for the appellant submits that the learned Single Judge passed the impugned order without taking into consideration the fact that the appellant's application for loan was pending consideration at the Head Office level of the concerned bank, as would be explicit from the memo dated 20th May, 2013 issued by the Chief Regional Manager of the bank.

She further submits that the learned Single Judge also did not consider the fact that the appellant's prayer for loan was recommended by the General Manager, District Industrial Cell, Bankura *vide* memo dated 13th May, 2013.

It appears from the records that the appellant approached this Court earlier by a writ petition being W.P. No.22760 (W) of 2017 with a prayer for consideration of his prayer for loan. The said application was disposed of

by an order dated 5th September, 2017 directing the respondent no.2 therein to consider and decide the appellant's application. Pursuant to the said order, the appellant's claim was considered and rejected by a memo dated 25th September, 2017. It appears that the memoranda dated 13th May, 2013 and 20th May, 2013, upon which reliance has been placed by the appellant, were issued much earlier to issuance of the order dated 5th September, 2017. In the backdrop of the said facts, the learned single Judge refused to interfere in the writ petition. We do not find any palpable infirmity in the said order. That apart the learned Single Judge observed that the appellant at best can claim damages for refusal of grant of loan. As such, we do not propose to interfere with the impugned order.

Accordingly, the appeal and the connected application are dismissed.

There shall be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Raja Basu Chowdhury, J.) (Tapabrata Chakraborty, J.)