

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3176 of 2017

Sanjay Rajak @ Sanjay Kumar Rajak S/o Birju Rajak, Resident of Village-Naubatpur, P.S.-Naubatpur, District-Patna

... .. Petitioner/s

Versus

1. The Bihar State Scheduled Castes Cooperative Development Corporation Ltd. Malyanil Bhawan. Budha Colony, Patna-1 through its Managing Director
2. The Bihar State Scheduled Castes Co-operative Development Corporation Ltd., Malyanil Bhawan, Budha Colony, Patna-1.
3. District Executive Officer, The Bihar State Scheduled Castes Co-operative Development Corporation Ltd. Mithapur 'B' Area D.N. Singh Lane, Patna-1.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar Singh, Advocate
For the Corporation	:	Mr. Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-03-2023 Heard learned counsel for the petitioner and learned counsel appearing for the respondents.

The present writ application has been filed seeking quashing of the Demand Notice dated 27.12.2016 issued by respondent no. 3 whereby the petitioner has been asked to deposit hopelessly time barred dues amount to the respondent-Corporation.

The learned counsel for the petitioner submits that petitioner for his poultry business was given loan of Rs. 1,00,000/- by the respondent-Corporation by two cheques dated 16.04.1998 and 27.06.1998, the cheques were of Rs. 50,000/- each.

The learned counsel for the petitioner next submits



that the petitioner requested the respondent no. 3 to get the birds of his poultry form insured by some insurance company on which the respondent no. 3 assured that insurance of the birds would be done by an insurance company which would be suggested by the Corporation, it is next submitted that the petitioner paid the first installment of the loan amount on 04.05.2000 and the last installment on 13.06.2007 and as such he deposited a total amount of Rs. 18,400/- and after 13.06.2007 he stopped all the payments.

The learned counsel for the petitioner submits that after 13.06.2007 the Corporation never asked the petitioner for repayment of the dues, it is next submitted that the petitioner thought that since his poultry business was closed as the birds have died, as such, the Corporation had waived the loan and as such is not demanding the loan amount.

The learned counsel for the petitioner next submits that all of a sudden a Demand Notice dated 27.12.2016 was issued asking the petitioner to make the payment of the loan amount to the respondent.

The learned counsel for the petitioner submits that the Demand Notice asking the petitioner to return the loan amount is hopelessly barred by limitation as per the Limitation Act,



1963 which prescribes the period within which appropriate remedy has to be resorted to for redeeming the loan.

The learned counsel for the Corporation, at this stage, submits that it is merely a demand notice and the petitioner should be directed to raise all these issues before the respondent no. 3 by whom the notice asking him to pay the amount was sent. It is next submitted that the Court, at this stage, should not interfere.

Considering the submissions made by the learned counsel for the parties, the Court, at this stage, is not inclined to proceed with the writ application on merit.

However, the writ application is disposed of with a direction to the petitioner to raise all the issues before the respondent no. 3 and the respondent no. 3 is directed to consider the representation of the petitioner in accordance with law keeping the Limitation Act in mind.

Accordingly, the present writ application stands disposed of.

(Satyavrat Verma, J)

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