

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19852 of 2013

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Jitendra S/O Awadh Kishore Prasad Sinha, Resident Of Village- Sasbanha,
P.O- Ghuskuri, P.S- Ariyari, Distt- Sheikhpura.

... .. Petitioner/s

Versus

1. The State Bank Of India through its Chairman-cum Managing Director, Corporate Centre, State Bank Bhawan Nariman Point, Mumbai.
2. The State Of Bihar Through The Principal Secretary Deptt. Of Industry, Govt. Of Bihar, Patna.
3. The Chief General Manager, State Bank Of India, Patna Circle, Gandhi Maidan, Patna.
4. The General Manager, District Industries Centre, Sheikhpura.
5. The Assistant Director, Prime Minister's Employment Generation Programme, Deptt. Of Industries, Bihar, Patna.
6. The Branch Manager, State Bank Of India, Agriculture Development Branch (ADB), Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Verma, Adv.
For the S.B.I.	:	Mr. Anjani Kumar Mishra, Adv.
For the State	:	Mr. Rakesh Kumar Ranjan, AC to GA 5

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 28-03-2023

1. The petitioner had preferred a writ petition earlier, before this Court, seeking loan from the Bank. Thus, the writ petition was dismissed as withdrawn in C.W.J.C. 18833/2011 vide order dated 13.03.2012 and M.J.C. No.3572/2012 was filed which was decided by the Court on 17.10.2012 with observations modifying its earlier order dated 19.03.2012 holding that on account of re-validation of his



application by District Industries Centre for the financial year 2012-2013. He may approach the authorities of the Bank who shall consider the same on the basis of merits without being influenced by the dismissal of the writ petition.

2. It appears that the petitioner only submitted N.O.C. received from the State authorities and asked for revival of his earlier application. The Bank, after considering the earlier application, reached to the conclusion that the new documents in support of the claim for loan had not been produced. A demand was also raised by the Bank vide its letter dated 18.06.2012, but he failed to produce any new documents in support of claim of loan and they, therefore, rejected the claim for loan.

3. The basic issue which arises for consideration before this Court is whether a writ petition would lie for seeking a mandamus to direct the Bank authorities to sanction loan as claimed by the petitioner to the tune of Rs. 25 lakhs.

4. Learned counsel for the petitioner has been unable to show any law on this point or assist the Court.

5. In the opinion of this Court, a writ petition would not lie for seeking a mandamus to release loan from a Bank. A Bank has an exclusive domain on its own treasury and



has a discretion to release loan subject to its satisfaction of the scheme put up before them. The rejection of application has to be, of course, on cogent ground. However, if such a decision has been taken, the same cannot be subject of judicial review.

6. As such, the writ petition is wholly misconceived and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 50

AFR/NAFR	
CAV DATE	N/A
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