

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13979 of 2016

Shankar Sah, Son of Bhikhari Sah, resident of Village- Lal Saraiya, Police Station- Majhulia, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Bank of India
2. The Regional Manager, State Bank of India, Regional Business Office, Bettiah, District- West Champa
3. The Brranch Manager, State Bank of India, A.D.B. Bettiah, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bashishtha Narayan Mishra, Adv
For the Respondent/s : Mr.Kaushlendra Kumar Sinha, Adv

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 08-02-2024

Head learned counsel for the parties.

2. The present writ petition has been filed for the following relief(s):-

“..... for quashing the letter no G/764 dated 08.01.2016 issued by the respondent no.2 vide which he has given information that on the basis of land possession certificate and cultivating land the petitioner has not been included in Agricultural Debt Waiver and Debt Relief Scheme, 2008 (hereinafter referred to as Debt Relief Scheme, 2008).

For issuance of a writ in the nature of mandamus or any other appropriate writ or writs directing the respondents for issuance of Debt Waiver certificate in favour of the



petitioner under clause 9 (1) of the Debt Relief Scheme, 2008 issued by the Finance Department, Ministry of Finance, Govt of India by declaring the petitioner as small farmer under clause 3 (6) of the Debt Relief Scheme, 2008.

For passing such other order or orders directing the respondents to give the detail of the calculation to the petitioner of due loan amount if any from 27.12.2005 to up to date by adjusting the advance given by the petitioner, payment made after granting loan by the petitioner, adjusting the waived amount shown at website of the Debt Relief Scheme, 2008.”

3. Learned counsel appearing on behalf of the petitioner has stated that the petitioner has applied for agricultural loan to the Respondent No. 2 and was granted loan of Rs.2,75,000/- on 27.12.2005. Thereafter, the petitioner was given advance money of Rs.75,000/- for purchase of the tractor. That under Debt Relief Scheme, 2008, the petitioner was granted only 25% waiver, i.e., Rs.66,750/-. Thereafter, the petitioner has paid Rs.1,35,000/- along with Rs. 66,750/-till 30.06.2008. Learned counsel has stated that as per Debt Relief Scheme, 2008, the petitioner is entitled to the full waiver of the entire debt as he is a small farmer. That the authorities without



taking into consideration the fact that the petitioner is having joint ownership with his brother has categorized the petitioner under the “other farmer” instead of “marginal/small farmer”. Learned counsel has stated that due to the mistake committed by the authorities, the petitioner has been denied the subsidy waiver under the Debt Relief Scheme, 2008. Learned counsel has stated that had the Bank authorities sought any clarification, the petitioner could have given the clarification evidencing that the petitioner is marginal/small farmer. Learned counsel has therefore prayed this Hon’ble Court to allow the present writ petition and direct the authorities to grant the full waiver of the debt under Debt Relief Scheme, 2008.

4. Per contra the learned counsel appearing on behalf of the respondent authorities has stated that the petitioner had jointly applied for loan along with his brother and therefore, duly taking into consideration that the total holding the applicants was more than five acres have categorized the petitioner under the category of “other farmer” and has given subsidy of 25% only as per their eligibility. Learned counsel has stated that the petitioner may be directed to give a representation to the authorities concerned along with necessary documents and authorities may be directed to consider the steps strictly in



accordance with law.

5. Having regard to the above made submission, without going into the merit or demerits of the case, the present writ petition is disposed of directing the petitioner to give a representation to the Respondent No. 2 ventilating his grievance along with the supporting documents within a period of four weeks from today. On such representation being made, the Respondent No. 2 shall consider the same in accordance with law.

4. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the representation of the petitioner. Any order passed shall be communicated to the petitioner.

5. With the above directions, this Writ Petition stands disposed of.

(A. Abhishek Reddy , J)

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