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18.02.2014

Sl. No.13

ad/sd

W.P 2861(W) of 2014

Avishek Goenka

Vs.

Government of India

Mr. Avishek GoenkaFor the petitioner (in person) In the writ petition the petitioner has made the following prayers:

“a) Issue appropriate writ(s)/directions(s) to the respondent to, display the conditional option of restructuring in every disbursement letter of the cash credit account – in which the residential property stands as a mortgage.

b) Issue appropriate writ(s)/directions(s) to the respondent to, publish the details of the property during time of disbursement of the loan in order to ensure the sanity of the mortgage and hence safeguard public money.

c) Issue appropriate writ(s)/directions(s) to the respondent to, stop publishing the photographs of the borrowers in newspapers.

d) Issue appropriate writ(s)/directions(s) to the respondent to, delay physical possession of the residential property of the borrower, who operates through cash credit facility.

e) Issue appropriate writ(s)/directions(s) to the respondent to, constitute a joint expert committee which shall be specified, by the Hon’ble Court on the points that require examination, including the best global practices and it’s recommendations, will be binding on all the respondents.

f) Issue appropriate writ(s)/direction(s) from this Hon'ble Court, to the joint expert committee to, within (90) days make it's recommendations known to the ministry of – Finance.

g) Issue appropriate writ(s)/direction(s) to the ministry of – Finance to, implement the recommendations as instructions within (90) days of 2 receiving the same and report of compliance be submitted to the registry of this Hon'ble Court.”

Representation was filed only on 3rd January, 2014 with the Ministry of Finance and petition has been filed without waiting for its outcome on 28th January, 2014. In such matter of policy as observed in Avishek Goenka vs. Union of India & anr., by Hon'ble Supreme Court, it is for the expert committee to consider all the aspects in such matter. Thus, we are not inclined to entertain this petition at present. Petitioner should have waited for some time and should have served demand of justice also and thereafter in case, no decision is taken, he can approach the court not otherwise.

Writ petition is, accordingly, disposed of.

(Joymalya Bagchi J.)

(Arun Mishra,C.J)