

GAHC010059212017



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/7994/2017**

TASURUN BEGUM LASKAR and ANR.  
W/O LT. SAFAR UDDIN LASKAR VILL- KRISHNAPUR P.S. SILCHAR P.O.  
JAYNAGAR PARGANA DIST. CACHAR, ASSAM PIN - 788025

2: ABDUL QUADIR  
S/O HIFZUR RAHMAN BARBHUIYA VILL- SEWTI PART-I  
P.O. BEHERA BAZAR  
P.S. SILCHAR DIST. CACHAR  
ASSAM  
PIN - 788805

VERSUS

THE PUNJAB NATIONAL BANK and 2 ORS.  
REP. BY ITS GENERAL MANAGER, HEAD OFFICE-5, SANSAD ROAD, NEW  
DELHI - 110001.

2:THE CHIEF MANAGER  
PUNJAB NATIONAL BANK  
NONGPOH BRANCH  
NONGPOH  
MEGHALAYA STATE- 793102.

3:THE BRANCH MANAGER  
PUNJAB NATIONAL BANK  
NONGPOH BRANCH  
NONGPOH  
MEGHALAYA STATE- 79310

**Advocate for the Petitioner : MS.P A TALUKDAR**  
**Advocate for the Respondent : SC, PNB**

**BEFORE  
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 20-11-2023**

The instant writ petition had been filed by the petitioners seeking a direction upon the respondents, more particularly the respondent No. 3 to release the outstanding loan amount to the petitioners and further sought for a direction that the respondents should allow the petitioners to continue with their loan account.

2. From the records it reveals that the respondent No. 3 had sanctioned loan amounting to Rs. 10.00 lakhs each in favour of the petitioners vide loan A/c Nos. 8804ND00000136 and 880400ND00000040 on 27.09.2016. From the said loan accounts, the petitioner No. 1 withdrew an amount of Rs. 3,25,000/- and the petitioner No. 2 withdrew Rs. 3,00,000/-. Thereupon the remaining amount was not allowed to be withdrawn.

3. On the other hand, vide a communications dated 02.06.2017, it was informed to the petitioner No. 1 that the balance amount payable by her was Rs. 3,71,606/- and the petitioner No. 2 was liable to pay an amount of Rs. 3,45,642/-. It was also informed that their bank accounts will be inoperative and their loan accounts will be declared as Non-Performing Assets (NPA). It is under such circumstances the instant writ petition had been filed. Be that as it may, this Court finds it relevant to observe that the communications dated 02.06.2017 have not been put to challenge by the petitioners.

4. This Court, vide order dated 20.12.2017 issued notice to the respondents and it was further observed that pendency of the case shall not be a bar for release of the sanctioned loan to both the petitioners.

5. It reveals from the records that the respondents have filed affidavit-in-opposition on 09.11.2023. In the said affidavit, it was duly admitted that loan of Rs. 10.00 lakh each was duly sanctioned in favour of both the petitioners. However, the

petitioner No. 1 has not deposited any instalment towards the loan account for which the petitioner No. 1's loan account was declared as NPA on 29.09.2021 and the petitioner No. 2's loan account was also declared as NPA on 29.09.2021 on account of not depositing the regular installments. Further to that, it was also mentioned that the then Branch Manager of the Nongpoh Branch of the respondent No. 1 bank, who sanctioned the loans in favour of the petitioners, had committed gross irregularities while working as Branch head at BO Nongpoh from 29.03.2016 to 07.07.2017, for which a Charge Sheet dated 18.06.2018 was served upon him. Thereupon disciplinary proceedings was initiated against the said Branch Manager and major penalty of reduction of his pay by three stages in the time scale of pay for a period of 2 years was imposed upon him with further direction that he will not earn increment of pay during the period of such reduction. Further to that, it was also mentioned that the cause of action, for which the instant writ petition had been filed, had allegedly accrued within the jurisdiction of Meghalaya High Court taking into account that the petitioners had availed loan from the Nongpoh Branch of the respondent bank, which comes within the jurisdiction of the Meghalaya High Court.

6. Upon hearing the learned counsel for the parties and taking into account that the petitioners loan account had become Non Performing Assets, this Court is of the opinion that the question of issuance of direction upon the respondent bank to release further amount to the petitioners and to allow the petitioners to operate their loan accounts does not arise.

7. Accordingly, this Court therefore finds no merit in the instant writ petition, for which the writ petition stands dismissed.

**JUDGE**

**Comparing Assistant**