

GAHC020003712023



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

Case No. : WP(C)/154/2023

SHRI. PHULMAN
S/O LT. SOBRATI MIYA,
R/O SHARIF JALALPUR VILLAGE, P.O. KISHANPURA, P.S. BASANTPUR,
SIWAN-BIHAR

VERSUS

THE CHIEF/BRANCH, MANAGER, MAIN BRANCH, SBI, MOKOKCHUNG AND
ANR
SANGTEMLA WARD , MOKOKCHUNG, NAGALAND

2:THE BRANCH MANAGER
MOKOKCHUNG BAZAR BRANCH SBI ARKONG WARD MOKOKCHUNG
NAGALAN

Advocate for the Petitioner : P SURIEN

Advocate for the Respondent : N K ASSUMI

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 13-12-2023

Heard Mr. P. Surien, learned counsel for the petitioner.

2. The instant writ petition has been filed by the petitioner being aggrieved by the action of the respondent Nos. 1 & 2 in freezing the petitioner's Savings Bank Account bearing No. 108200177062,

maintained in the ADB Branch of the State Bank of India (SBI).

3. The facts as could be discerned from a perusal of the writ petition is that the petitioner was serving in the Department of the 2nd NAP Battalion, Alichen in the District of Mokokchung, Nagaland, and retired in the year 2018. The petitioner has a Bank Account bearing Account No. 108200177062 in the ADB Branch of SBI in the District of Gopalganj, Bihar. It is the case of the petitioner that the petitioner gets his retirement benefits through the said Bank Account. It further reveals from the records that as the petitioner was not able to operate his Bank Account for which he made enquiry with the Branch Manager of the concerned ADB Branch of SBI and the concerned Branch Manager informed the petitioner that his Bank Account was blocked and frozen and was set on hold by the respondent No. 2, i.e. the Mokokchung Bazar Branch, SBI, Arkong, in the District of Mokokchung, Nagaland, and the petitioner was asked to approach the Branch Manager of Mokokchung Bazar Branch, SBI. Thereupon the petitioner visited the Chief/Branch Manager of the Mokokchung Bazar Branch, SBI. The petitioner's further case is that the Branch Manager of the Mokokchung Bazar Branch, SBI, did not disclose any reasons on the ground that it is against the norms of the Bank to give reasons for putting on hold or blocking the Bank Account of the petitioner. Under such circumstances the petitioner issued a Legal Notice dated 27.06.2023 through his counsel, to the Branch Manager of the Mokokchung Bazar Branch, SBI as well as the Branch Manager, ADB Branch, Gopalganj to forthwith unblock the Account of the petitioner and failing which, legal proceedings would be initiated against the respective Branches of the SBI. To the said Legal Notice so issued, the Branch Manager of the Mokokchung Bazar Branch vide a Communication dated 14.07.2023 informed the counsel of the petitioner that the said Bank Account has been set on hold by the Mokokchung Bazar Branch in view of a complaint filed by one Abdul Rajak at the Mokokchung Police Station against the petitioner for cheating a group of people by borrowing a sum of money amounting to Rs. 11,75,000/- (Rupees Eleven Lakhs Seventy Five Thousand). It was also mentioned

that as the petitioner was not repaying the due amount, the said group of people had submitted an application for setting the Account on hold for the due amount. It was on the basis of the said application that the Branch had set on hold an amount of Rs. 11,75,000/- (Rupees Eleven Lakhs Seventy Five Thousand) on 01.05.2023. The petitioner coming to learn about the same Communication dated 14.07.2023 approached this Court by filing the present writ petition on 03.08.2023.

4. The record reveals that by an Order dated 08.08.2023, this Court issued notice making it returnable by four (4) weeks. The record further reveals that the respondent Nos. 1 & 2 though appeared through their learned counsels by filing their *Vakalatnama*, but they have chosen not to file any reply or appear before this Court pursuant to 17.11.2023. On 11.12.2023 when the matter was listed before this Court, this Court taking into account that the respondents have not put on their appearance have fixed the matter today thereby giving an additional opportunity to the respondents to appear and state their case. However, today also the respondents have chosen not to appear. It is under such circumstances taking into account the urgency shown by the learned counsel for the petitioner that the petitioner is in dire difficulties on account of not receiving his pensionary dues, this Court had taken up the matter for final disposal.

5. From the materials on record it reveals that the petitioner has a Bank Account with the respondent Bank in its ADB Branch at Gopalganj. The pleadings contained in the writ petition have not been denied. This Court had also perused the reasons so assigned by the Branch Manager of the Mokokchung Bazar Branch, SBI in the Communication dated 14.07.2023. It reveals that it is on the basis of an application filed by some persons that the Branch Manager had kept on hold amount of Rs. 11,75,000/- (Rupees Eleven Lakhs Seventy Five Thousand) from the Bank Account of the petitioner. The said Communication also does not show that the said freezing or withholding of the Bank Account had been done on the basis of any Police directions. It is the opinion of this Court that the freezing/blocking of the Savings Bank Account bearing No.

108200177062 of the petitioner in the ADB Branch of SBI, Gopalganj, is completely unauthorized and illegal. Under such circumstances this Court, therefore, directs the SBI and more particularly, the respondent No. 2 not to put any fetters on the petitioner's operation of its Bank Account No. 108200177062 maintained in the ADB Branch, SBI District Gopalganj, Bihar.

6. With the above observations and directions, the petition stands disposed of.

Sd/-
JUDGE

Comparing Assistant