

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8337 of 1998

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Raj Kumar Pandey minor son of Late Dinesh Pandey @ Dinesh Kumar Sharma, born from the womb of Late Smt. Krishna Devi wife of Late Dinesh Pandey; minor under the guardianship of his maternal grant father (Nana) Sri Jagdish Sharma at present residing at Diwan, Mohalla-Khangar Gali, PO-Jhauganj, PS-Khajekala, Patna City, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Circle Officer, Ghosi Block, PO & PS-Ghosi, District-Jehanabad
3. The Circle Officer, Biharsharif, District-Nalanda
4. The Civil Surgeon, Sadar Hospital, Biharsharif, PO-Biharsharif, PS-Bihar, District-Nalanda
5. State Bank of India, Patna Main Branch, Code 152, PO + PS-Gandhi Maidan, District-Patna
6. State Bank of India, Bari Pahari Branch, Branch Code 6554, PO-Biharsharif, PS-Bihar, District-Nalanda
7. Banke Pandey son of Late Bhagwat Pandey, resident of village –Tesar, PO-Gingi, PS-Ghosi, District-Nalanda
8. Mahendra Pandey alias Lal Babu Pandey son of Banke Pandey, resident of village-Tesar, PO-Ginji, PS-Ghosi, District-Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent No. 7 : Mr. Deepak Kumar
 Mr. Shankar Kumar
 Mr. Ram Chandra Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 18-02-2015

No one appears on behalf of the petitioner. The counsel for the private respondent is present.

In this case, the petitioner has sought number of reliefs mentioned in paragraph 2 of the writ application, are as follows:-

i) That the C.O. Ghosi Anchal may be restrained

from mutating the name of any other person to the immovable properties in the form of share in the ancestral properties situated in village-Tesaur which is at present in cultivating possession of his grandfather Banke Pandey, respondent no. 7.

ii) The Circle Officer, Bihar Sharif Sadar may be restrained from mutating the name of any other person in place of late Smt. Krishna Devi daughter of Jagdish Sharma which is a house still under construction situated and appertaining to Tauzi No. 10693, Thana No. 122; Tawa Khata No. 388; Khesra No. 885, Area-2 decimals out of 12 decimal Kaji Mahal Chak Sakunat Hazi Mahmood in Mauja Bhaisasur, PS-Bihar Sharif, Distt.-Nalanda bounded as

North- Gayatri Devi wife of Bhagwan Prasad, a purchaser in the same plot.

South-Hari Mahto and Rameshwar Mahto, resident of Bhagwper.

East-Mosmat. Sukamuriya Devi, resident of Asha Nagar.

West-Sunita Devi a purchaser in the same plot of 2

decimal Kesarewals.

iii) The State Bank of India, Main Branch Patna (Code No. 152) may be directed to extend the term Deposit Receipt No. To 469330 dated 26/8/88 due on 26/9/98 maturity value Rs. 1,82,586=80 (Rupees one lac eighty two thousand and five hundred eighty six and eighty paise) which was previously deposited by the order of this Hon'ble Court passed in Cr. W.J.C. No. 165/88 dated 12/9/88 for further two years till he attains the age of 18 years.

iv) The State Bank of India, Bari Pahari Branch (Code No. 6554) Biharsharif may be restraint from making any payment to any body except this petitioner till he attains the age of 18 years of the amount deposited in Saving Account No. 1690 in the name of Krishna Devi deceased mother of the minor petitioner as he is the only heir and legal representative.

v) The Civil Surgeon, Biharsharif, respondent No. 4 may be directed to deposit all the dues pending salary, gratuity and any other benefit in SBI in favour of the petitioner who is at present minor, under the



guardianship of his maternal grandfather Jagdish Sharma. The amount shall be deposited for five years till the minor petitioner attains the age of 18 years. That State may be directed to the Health Department, Government of Bihar to appoint him on compassionate ground after attaining majority in place of his deceased mother late Smt. Krishna Devi who was an employee in the Health Department under the Civil Surgeon, Biharsharif.

vi) That Respondent Nos. 7 and 8 may be restrained from making any attempt to transfer, the immovable property of his ancestral house to the extent of the share of the minor petitioner and further they may also be restrained from making any attempt directly or indirectly to withdraw any amount deposited in the name of minor petitioner or in the name of his deceased mother and to transfer the house which has been built by his mother and which is situated in district Nalanda vide Annexure-4.

vii) The Civil Surgeon, Biharsharif may be directed to sanction the pension to meet the necessary expenditure for the livelihood etc. of the petitioner.

It appears that after the death of his father as he was minor, has been residing with his maternal grandfather at Patna City. His mother was also killed. In the writ application, he has sought protection that his movable and immovable property be not swallowed away by the private respondents and sought protection, this Court vide order dated 9/10/98 granted the protection prohibiting the Bank to release the money standing either in his name or his mother. As the petitioner has already attained majority, the Bank if already not released the money which is standing in his name or his mother name, will release to him if proper application filed by him. The Bank will be obliged to return the money along with prevailing bank interest from time to time.

So far other reliefs, as the petitioner has attained majority, he has every right to make a legal claim over the ancestral property as well as the property acquired by his father and mother in accordance with law.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

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