

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19616 of 2014

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Sita Ram Singh, Son of Late Rajendra Pd. Singh, resident of Village-
Bajalpura, P.O. & P.S.- Teghra, District- Begusarai.

.... Petitioner/s

Versus

1. The Zonal Manager State Bank of India, Patna.
2. The Regional Manager, State Bank of India, Muzaffarpur.
3. The Branch Manager, State Bank of India, Gudri Bazar Road, Near
Railway Station, ADB, Dalsinghsarari, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Advocate.

For the Respondent/s : Mr. Kaushlendra Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 07-01-2015 Heard learned counsel for the parties as with regard to
the following relief prayed in this writ application:

"1. (i) For issuance of writ of mandamus or any other appropriate writ, order or direction for commanding the respondents to release the original documents of the petitioner i.e. original sale deed, Khatian and rent receipt which has been submitted at the time of taking agriculture loan which was kept in custody of respondent no. 3."

2. Learned counsel for the petitioner has submitted that when the petitioner has cleared entire loan amount of the State Bank of India (hereinafter referred to as 'the Bank'), the authorities of the bank were under obligation to return the original document which was submitted by the petitioner at the time of procuring the loan.

3. Mr. Kaushlendra Kumar Sinha, learned counsel for the Bank, has submitted that such loan was granted to the

petitioner in the year 1975 and when the petitioner, despite being given repeated opportunity, has failed to explain as to which of the documents were entrusted by him for obtaining loan, it would be very difficult to find out the original documents being claimed by the petitioner.

4. Learned counsel for the petitioner, in reply, has submitted that the Branch Manager had himself accepted that in four of the lockers, search has been completed and the documents of the petitioner have not been found, but such documents could still be traced in the remaining two of the lockers which are still under the lock and key of the authorities of the Bank.

5. This Court fails to understand as to what is the dispute for which this writ application has been filed. The petitioner himself does not know as to which documents were entrusted by him to the Bank. The authorities of the Bank also, after almost 40 years of the loan granted to the petitioner and its repayment having been made only request, are not in a position to straightway lay their hands on the original documents.

6. It is true that if the petitioner can lead evidence of deposit of documents with details of such documents, the Bank will be under obligation to return the same because now amount of loan has been cleared by the petitioner. The petitioner, however,

himself is not in a position to disclose about such document inasmuch as even in the prayer portion of the writ application, neither the date of sale deed nor the detail of the Khatiyani nor even the period of rent receipt has been mentioned. In such a situation, this Court would find it difficult to issue any direction, save and except, the petitioner may approach the authority of the Bank with details of the documents and if he does so, the authorities of the Bank will be also under obligation to trace those documents and return the same to the petitioner.

7. With the aforementioned observation and direction, this writ application is disposed of.

(Mihir Kumar Jha, J)

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