

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16160 of 2014

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Haji Mohamad Babujan Anshari s/o Late Ushaman Anshari, Resident of Village Atarsuan, PO+PS-Siwan.

.... Petitioner/s

Versus

1.The State of Bihar through the Principal Secretary Finance department Government of Bihar, Patna.

2.The Chief Manager Zonal Officer, Punjab National Bank, Chanakya palace, near Harding Park, Patna.

3.The Regional Manager, Punjab National Bank, Muzaffarpur.

4.The Branch Manager, Punjab National Bank, Branch Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Kant, Adv

For the Respondent/s : Mr. GP24- Anshuman Singh

For the P.N.B : Mr. Kumar Priya Ranjan, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 13-01-2015 Heard learned counsel for the parties as with regard to the following reliefs prayed in this writ application:-

“For issuance of writ of mandamus directing respondents to return the original sale deed deposited with them.

For issuance of any other appropriate writ/writs, order/orders, direction/directions, for which petitioner may deemed entitled under the fact and circumstances of the case.”

2. Let it be noted that this Court while considering the aforesaid prayer had passed an interim order on 1.12.2014 which reads as

follows:-



“Heard learned counsel for the parties. Learned counsel for the Punjab National Bank (hereinafter referred to as 'the Bank'), while producing the certified copy of the sale deed bearing No. 863 of 1976 and gift deed bearing no. 15329 of 1998 with a certificate of the Bank, relies on an order of this Court dated 28.03.2012 passed in MJC NO. 1407 of 2011 to contend that since the original sale deed of the petitioner has gone missing, while in custody of the Bank, these two certified copies of the sale deed and the gift deed should serve the need of the petitioner. He has also submitted that effort is also being made for tracing the certified copy of the sale deed of the year 1976 and the Bank is hopeful that at least the certified copy of the same and other documents, in lieu thereof, will become available for its being handed over to the petitioner and for this purpose, he wants three weeks time.

This Court, accordingly, would hand over the certified copies of the sale deed and the gift deed, as noted above, to the learned counsel for the petitioner and give him opportunity to at least approach the Bank for obtaining an undertaking that if any point of time, the petitioner would require assistance of the Bank and its officials for proving the certified copy, the officials of the Bank will be under bounden duty to do so.

Put up this case after three weeks as a tied up matter.”

3. Learned counsel for the Punjab National Bank has produced a certificate dated 08.01.2015, which is being handed over to the learned counsel for the petitioner. Let it be recorded that in such certificate there is enclosure of the information

given by the competent authority of the State of Bihar that the sale deed in question could not become available in course of search.

4. That being so, now this writ application is disposed of with an observation that as and when the requirement of sale deed would emerge for the petitioner, he will have the liberty to produce the certificate to sustain his claim.

(Mihir Kumar Jha, J)

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